

## LAND ACT 1923

An Act to amend the law relating to the occupation and ownership of land and for other purposes relating thereto. [9th August 1923.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT EIREANN AS FOLLOWS:—

### PART I - FINANCE

1 Power to create 4½ per cent Land Bonds. 1.—(1) In order to provide for the payment of the sums which under this Act are to be paid in Bonds the Minister for Finance shall have power to create and issue, when and as required for the purpose, Bonds to be called 4½ per cent. Land Bonds, of such denominations (not in any case less than one pound) as the Minister may determine. (2) The Bonds shall bear interest at the rate of four and one half per cent. per annum on the nominal amount thereof payable in equal half-yearly instalments at, such times in each year as may be fixed by the Regulations under which they are issued. (3) The Bonds shall be redeemable at par together with the payment of all arrears of interest, and the Minister for Finance shall make arrangements for the redemption thereof by means of periodical drawings, and may make regulations for the drawing of such Bonds. Such regulations shall provide for the immediate redemption of Bonds transferred by order of the Judicial Commissioner in satisfaction of Death Duties, or in redemption of land purchase annuities charged on the lands acquired by the Land Commission under this Act: Provided that any Bonds may at any time after the expiration of thirty years from the issue thereof, if not previously redeemed, be redeemed at par at such time and either by drawing or otherwise as the Minister for Finance may direct. (4) The interest on the Land Bonds and the sums required for redemption of Land Bonds in accordance with the foregoing provisions shall be paid out of the Land Bond Fund established under this Act, and if the same shall be insufficient shall be charged upon and paid out of the Central Fund of Saorstát Eireann or the growing produce thereof as a first charge thereon after any charges created before the passing of this Act. Any sums so paid out of the Central Fund shall be treated as a temporary advance to the Land Bond Fund, and shall be made good out of the Guarantee Fund. (5) For the purpose of redemption of the Bonds there shall be set aside in the Land Bond Fund at the close of each half-year the amount of the interest and payments in respect of Sinking Fund payable by the Land Commission, in accordance with the provisions hereinafter contained, together with any sums paid by tenant purchasers in redemption of purchase annuities payable under this Act, and any sums paid in cash by a purchase on the sale to him by the Land Commission of any land vested in them under this Act, subject to the following deductions:— (a) the amount of the interest on the Bonds so issued, and for the time being outstanding; (b) the amount, if any, required for the payment off of any bonds which under this Act have been transferred by order of the Judicial Commissioner, in satisfaction of death duties or in redemption of land purchase annuities.

2 Advances to be made in 4½ per cent. Land Bonds. 2.—(1) Notwithstanding anything in any other enactment the purchase money to be paid by the Land Commission to vendors in pursuance of subsequent purchase agreements as hereinafter defined shall be paid by means of an issue of 4½ per cent. Land Bonds equal in nominal amount to the Purchase Money and carrying interest as from the date on which the land purchased is vested in the Land Commission. (2) Land Bonds issued in pursuance of this section shall, as between the vendor and the Land Commission, be accepted by the vendor as the equivalent of the corresponding amount of purchase money, and any person having power to sell under the Land Purchase Acts, although he is not an absolute owner, may enter into a subsequent purchase agreement, notwithstanding that the purchase money is to be paid in Bonds, in pursuance of this section, instead of cash.

3 Superior interests and other charges to be paid in 4½ per cent Land Bonds. 3.—The redemption price of all superior and intervening interests, incumbrances and other claims attaching to purchase money paid by means of 4½ per cent. Land Bonds, or payable out of such interests, incumbrances and claims, together with all arrears of and interest on such interests, incumbrances and claims and the vendor's costs of sale and the costs of making title to such interests, incumbrances and claims, so far as the same are payable out of the purchase money, shall be paid and discharged by transferring to the person entitled thereto, out of the Land Bonds representing the purchase money, Land Bonds of equal nominal value, and such payment shall be deemed to be satisfaction to the extent of the nominal amount of the Land Bonds so transferred. In fixing the redemption price of superior interests the Judicial Commissioner shall have regard to the price received by the vendor for the lands out of which such superior interests issue.

4 Prohibition of penal interest on mortgages pending sale. 4.—Where the instrument creating any mortgage, charge or incumbrance payable out of or charged upon the purchase money of lands taken under the Act provides that interest shall be accepted at a reduced rate upon prompt payment, no higher rate shall be due or recoverable in respect of arrears of interest or on account of any default or delay in payment of interest upon such mortgage, charge or incumbrance pending the completion of the sale.

5 Costs Fund. 5.—(1) For the purpose of recouping vendors in whole or in part for the costs of sale including costs of owners of superior and intervening interests, incumbrancers and other claimants against the purchase money advanced under this Act there shall be established a Costs Fund amounting to 2 per cent. on the total purchase moneys advanced under this Act. This Fund shall be raised by the Minister for Finance by the issue of 4½ per cent. Land Bonds as and when required, the interest on the Bonds to be from time to time invested in 4½ per cent. Land Bonds and added to the Costs Fund. (2) There shall be payable to the vendor out of the Costs Fund such sum in 4½ per cent. Land Bonds as the Judicial Commissioner shall certify to be reasonable having regard to the amount of work done in connection with the sale and the manner in which it has been done: Provided that no payment shall be made under this section until all the lands of a vendor to be acquired or vested on the appointed day under this Act shall have been vested, unless and to the extent that the Judicial Commissioner shall direct.

6 Abolition of percentage. 6.—The provisions of Section 48 of the Irish Land Act, 1903, shall not apply in respect of any land whether tenanted or untenanted purchased by or becoming vested in the Land Commission under or by virtue of this Act.

7 Recovery by the State of moneys paid through mistake. 7.—Any moneys, bonds, stock or securities paid or distributed by the Land Commission to the wrong person, through a mistake of law or fact, shall be recoverable by the Land Commission as if it were a debt due to the State.

8 Payment in Bonds. 8.—For the purpose of payment in 4½ per cent. Land Bonds in accordance with the provisions of this Act the amount of the purchase money and of every payment to be made thereout shall in all cases be calculated to the nearest pound.

9 Repayment of advances. 9.—(1) Subject to the provisions of this Act every advance made in pursuance of a subsequent purchase agreement shall be repaid, in the manner and at the times prescribed by the Minister for Finance, by means of a purchase annuity calculated at the rate of 4¾ per cent. on the amount thereof. (2) The purchase annuity shall be paid until the whole of the advance in respect of which it is payable is ascertained in manner prescribed by the Minister for Finance to have been repaid. (3) The provisions of the Provisional Government (Transfer of Functions) Order, 1922, shall not apply to purchase annuities payable in respect of advances made under this Act. (4) The purchase annuity or any part

thereof at any time outstanding may be redeemed in whole or in part by the person liable to pay that annuity by payment to the Land Commission in cash of such amount as shall be ascertained in accordance with Rules made by the Minister for Finance.

10 Establishment of Land Bond Fund. 10.—(1) There shall be established a Land Bond Fund under the control of the Minister for Finance out of which shall be paid the interest in respect of all Bonds issued under this Act together with the sums required for redemption of Bonds under this Act. (2) Accounts of the receipts and expenditure of the Land Bond Fund both as regards capital and income shall be kept by the Minister for Finance and those accounts shall be audited by the Comptroller and Auditor-General and the accounts when audited shall be laid before the Oireachtas. (3) For the purposes of this Act the Land Commission shall keep such accounts containing such particulars and entries as the Minister for Finance may direct and shall furnish those accounts to the Minister for Finance as and when required by him, and the said accounts shall be audited in such manner as the Minister for Finance may prescribe. (4) Any balance to the credit of the capital or income account of the Land Bond Fund may be temporarily invested by the Minister for Finance in such manner as he may think fit.

11 Payments by the Land Commission. 11.—(1) Interest at the rate of four and one-half per cent. per annum shall be paid by the Land Commission to the Land Bond Fund on the nominal amount of all Bonds issued under this Act by the Minister for Finance to the Land Commission and not certified by the Minister for Finance to have been repaid. (2) The Land Commission, where land is vested in them under this Act, shall, until the purchase annuities charged on the land cease to be payable, pay to the Land Bond Fund in respect of Sinking Fund five shillings per cent. per annum— ( a ) in the case of tenanted land on the standard price thereof together with the addition (if any) in respect of compounded arrears of rent added to the purchase money from the appointed day; ( b ) in the case of untenanted land on the amount of the advances made in respect of such land from the date on which such advances become repayable, and, in so far as such land has not been disposed of within a period of five years from the appointed day, on the amount of the price of such land from the expiration of said period until the lands have been resold; ( c ) on the nominal amount of all Bonds issued for contribution to price and for the Costs Fund from the date of the issue of such Bonds until the same shall be certified by the Minister for Finance to have been repaid. (3) The Land Commission shall pay to the Land Bond Fund in respect of Sinking Fund five shillings per cent. per annum— ( a ) on the nominal amount of all Bonds issued for the price of Sporting Rights and Fisheries purchased by them under this Act from the date of the issue of such Bonds until the same shall be certified by the Minister for Finance to have been repaid; ( b ) on the amount of advances made by them to proprietors of parcels of untenanted land in non-congested districts counties and of parcels purchased under the Land Purchase Acts for the redemption of Fee-farm or other rents, superior interests and charges from the date on which Land Bonds shall be issued in respect of such advances until the advances have been repaid. (4) The Land Commission shall pay to the Land Bond Fund all sums, received by them for the redemption of purchase annuities payable under this Act, and all sums paid in cash by purchasers on the sale by the Land Commission of any land vested in them under this Act. (5) If at any time the said annual payments shall be in arrear for forty days, the amount in arrear shall be charged on, and forthwith made good out of, the Guarantee Fund. (6) Payments by the Land Commission under the preceding sub-sections shall be made at such times in each year as may be prescribed by the Minister for Finance. (7) A sum sufficient to pay the interest and sinking fund on the Bonds issued under this Act for contribution to price and for the Costs Fund shall be paid in each year to the Land Commission out of moneys provided by the Oireachtas.

12 Establishment of Purchase Annuities Fun. 12.—(1) The powers declared in section 6 of the Purchase of Land (Ireland) Act, 1891, to be exercisable by the Lord Lieutenant or by the Treasury, shall henceforth be exercised by the Minister for Finance, and the notice provided for by sub-section (2) of the said section shall cease to be required. (2) Notwithstanding

anything to the contrary contained in the Provisional Government (Transfer of Functions) Order, 1922, all sums collected after the 31st day of March, 1923, in respect of purchase annuities in repayment of advances made or to be made in Saorstát Eireann in pursuance of purchase agreements under the Purchase of Land (Ireland) Act, 1891, or any later Land Purchase Act other than this Act shall so far as not already paid into the Exchequer be paid into a Fund entitled "The Purchase Annuities Fund" to be established under the control of the Minister for Finance, and there shall from time to time be paid thereout by the Minister for Finance to the appropriate authority for the credit of the Land Purchase Account or the Irish Land Purchase Fund as the case may be an amount equivalent to the purchase annuities accruing due in respect of the aforesaid advances. For the purposes of this section purchase annuities shall be deemed to include interest payable in respect of an advance as aforesaid. (3) The provisions heretofore applicable, for making good any deficiency of the Land Purchase Account or of the Irish Land Purchase Fund shall apply as from the 1st day of April, 1923, in the case of the Purchase Annuities Fund in accordance with regulations to be made by the Minister for Finance. (4) The Minister for Finance shall have power to make any adjustments rendered necessary by this section in relation to the Exchequer and the Purchase Annuities Fund and the Guarantee Fund in the case of transactions during the period from the 1st day of April, 1923, to the date of the passing of this Act.

13 Abolition of county limit on advances. 13.—The limit provided by the Land Purchase Acts with respect to the advances which may be made in any county shall not apply to any advances made in pursuance of this Act.

14 Redemption of Purchase Annuities in certain cases. 14.—Where land which is subject to a land purchase annuity has been acquired by the Land Commission under this Act then in such case the annuity for the repayment of the original advance shall be regarded and dealt with as a claim attaching to the purchase money of the land advanced under this Act.

15 Trinity College Dublin. 15.—(1) The provisions of sub-sections (1), (2), and (3) of section 39 of the Irish Land Act, 1903, providing for the payment to the public trustee of the sum of £5,000 per annum for the account of Trinity College, Dublin, and for the application of the said moneys shall cease to have effect and in lieu thereof the following provisions shall apply:— (2) There shall be paid to the College out of moneys to be provided by the Oireachtas the sum of £3,000 per annum. (3) The investments representing accumulations of the moneys so paid to the public trustee which were not required to make good loss of income to the College and accrued interest thereon shall be transferred to the Minister for Finance and such officer of the College as shall be nominated for the purpose by the Governing Body of the College. (4) The dividends and income arising from the investments so transferred shall be applied by the College in such manner and for such purposes as to the College may seem proper. (5) The investments so transferred may be varied from time to time with the consent and approval of the Minister for Finance. (6) The College may from time to time with the consent of the Minister for Finance realise the whole or any part of the investments so transferred or any other investments for the time being representing the same and apply the moneys arising from such realisation for such purposes as to the College may seem proper and shall be approved of by the Minister for Finance.

16 Ireland Development Grant. 16.—All moneys standing to the credit of the Ireland Development Grant Account at the date of the passing of this Act shall be paid into the Exchequer.

17 Power to make Rules. 17.—The Minister for Finance shall have power to make rules for carrying the provisions of this part of this Act into effect and for adapting to the requirements of this Act such provisions of any enactment passed prior to this Act as relate to Land Purchase Finance.

## PART II - LAND PURCHASE

18 Prohibition of agreements otherwise than under this Act. 18.—Save and except purchase agreements between the Land Commission and purchasers from them no purchase agreement between landlord and tenant for the sale of a holding under the Land Purchase Acts shall after the passing of this Act be lodged with the Land Commission.

19 Arrears of rent. 19.—(1) In the case of every holding to which this Act applies rent and arrears of rent accrued due up to and including the gale day next preceding the date of the passing of this Act shall not be payable by the tenant and no proceedings against the tenant for recovery of arrears of rent shall be begun, continued or enforced after the passing of this Act. There shall be payable by the tenant to the Land Commission a sum hereinafter referred to as "compounded arrears of rent" ascertained as provided in the sub-section following. (2) Compounded arrears of rent shall be a sum equivalent to the total rent and arrears of rent due on the gale day next preceding the passing of this Act in respect of rent accrued since the first gale day in the year 1920 less a deduction of 25 per cent.: Provided that any payments made by the tenant after the second gale day in the year 1920 shall be appropriated to the rent which accrued since the first gale day in that year. In any case where a hanging gale is customary any payment of rent shall be deemed to have been made in respect of the gale next after the gale in respect of which it was actually made. (3) Compounded arrears of rent shall be payable, as to so much thereof as does not exceed 75 per cent. of the annual rent, immediately after the date of the passing of this Act and as to the balance, if any, on such date or dates before the appointed day as may be prescribed by the Land Commission: Provided that in any case where not less than three years' arrears are due and the tenant so requests in the prescribed manner one half-year's compounded arrears of rent shall be added to the purchase money and repaid by means of a purchase annuity calculated at the rate of  $4\frac{3}{4}$  per cent. on the amount thereof added to and consolidated with the standard purchase annuity for the holding. (4) Compounded arrears of rent shall be collected and accounted for to the person or persons entitled thereto by the Land Commission in accordance with rules made by them: Provided that the Land Commission shall when paying over the amount collected first deduct therefrom income tax and such sum to go towards costs of collection as the Land Commission consider reasonable and proper. (5) Where any money has been levied or recovered by a landlord after the 28th day of May, 1923, under or in consequence of any judgment or decree in any proceedings against the tenant of a holding to which this Act applies for the recovery of rent or in ejectment, then— ( a ) if such money shall have been levied or recovered prior to the 3rd day of July, 1923, and so much thereof as consisted of rent exceeds the sum to which compounded arrears of rent would have otherwise amounted; or ( b ) if such money shall have been so levied or recovered on or after the 3rd day of July, 1923, and the entire amount thereof (including rent, costs and expenses) exceeds the sum to which compounded arrears of rent would have otherwise amounted; the difference between such rent or such entire amount (including rent, costs and expenses) as the case may be and the sum to which compounded arrears of rent would have otherwise amounted shall be set off against the moneys to become payable by the tenant in lieu of rent as hereinafter provided and the equivalent payment by the Land Commission shall be proportionately reduced.

20 Payment in lieu of rent. 20.—(1) In the case of every holding to which this Act applies rent shall not be payable by the tenant in respect of any period after the gale day next preceding the date of the passing of this Act. There shall be payable by the tenant to the Land Commission as from the gale day next preceding the date of the passing of this Act an annual sum in lieu of rent equivalent to 75 per cent. of the annual rent to which the holding was subject at the passing of this Act which sum is hereinafter referred to as, "payment in lieu of rent." (2) Payment in lieu of rent shall be collected by the Land Commission in accordance with rules made by them. (3) Payment in lieu of rent shall continue to be payable up to the appointed day. (4) There shall be payable by the Land Commission to the person or persons entitled to receive the same a sum equal to the amount to be collected as payment in lieu of

rent, from the gale day next preceding, the date of the passing of this Act up to the appointed day, less income tax and such deduction towards cost of such collection as the Land Commission shall consider reasonable and proper. This sum, less such deductions as aforesaid, shall be paid in equal half-yearly instalments and in accordance with rules made by the Land Commission. (5) If the interest of any person entitled to receive the rent of a holding or holdings shall not be sufficient to constitute him a person having power to sell to tenants under the Land Purchase Acts, any rent payable by him to the next superior landlord in respect of the holding or holdings shall be reduced by 25 per cent., and, if necessary for the purpose of ascertaining the rent payable by such person in respect of the lands comprised in the holding or holdings, any rent payable by him shall be apportioned by the Land Commission as the justice of the case may require. Similar provisions shall apply and proportionate reductions shall be made in the case of any superior rents payable by any superior landlords who have not an interest sufficient to constitute them persons entitled to sell under the Land Purchase Acts.

21 Recovery of compounded arrears of rent and payment in lieu of rent by Land Commission. 21.—(1) The Land Commission shall have for the recovery of compounded arrears of rent and payment in lieu of rent the same remedies as a landlord has for recovery of rent as well as the same remedies as they have for the recovery of unpaid instalments of a purchase annuity. (2) Where, owing to the death or absence of the tenant of a holding or otherwise, a difficulty arises in ascertaining in whom the tenancy of a holding is vested the Land Commission may, if the tenant is dead and there is no legal personal representative of such tenant or no legal personal representative whose services are available, appoint any person to be administrator of the deceased tenant, limited to the purposes of all proceedings under this Act in relation to the holding up to the appointed day, and if the tenant is absent or if, in their opinion, it is otherwise necessary, nominate any person to represent the tenant for the purposes aforesaid. The person so appointed or nominated, while acting in such capacity, shall have the right as against all parties to enter into receipt of the profits of the holding or of the rents payable by the subtenant thereon and shall be liable to the Land Commission for compounded arrears of rent and payment in lieu of rent payable wider the provisions of this Act. (3) The Land Commission may, if they think fit, employ in the collection of compounded arrears of rent and payment in lieu of rent any land agent, solicitor or land clerk nominated by the immediate landlord, or in default of such nomination, selected by them on such terms as to remuneration and otherwise as may be prescribed by rules made by them.

22 The furnishing of particulars of rentals, etc. 22.—(1) It shall be the duty of every landlord and of every person receiving rents and profits on his behalf to furnish to the Land Commission within the prescribed time and in the prescribed form such particulars as they may require for the purpose of the collection of compounded arrears of rent and payment in lieu of rent, and the Land Commission shall have power to require any person paying rent to any other person in respect of a holding to give such particulars with respect to the holding as they may so require. (2) If any person fails to give any information which he is required to furnish under this section within the prescribed time or knowingly furnishes any information which is false in any material particular, he shall on summary conviction be liable to a fine not exceeding twenty pounds. (3) Any question arising between a tenant and a landlord regarding the accuracy of any particulars furnished pursuant to this section shall be determined by the Land Commission in accordance with rules made by them, save that in the case of a holding subject to a judicial rent the record filed in the Land Commission shall be final and conclusive in all matters appearing thereon except that where the judicial rent was fixed before the 1st day of April, 1899, the adjustment provided for by section 54 of the Local Government Act, 1898, shall be taken into account in determining the amount of rent, and save that any question as to whether an agreement for an abated rent was in fact an agreement for a new rent or any question as to the amount from which the deduction of 25 per cent. is to be made in ascertaining compounded arrears of rent and payment in lieu of rent shall be determined by the Judicial Commissioner, whose decision shall be final.

23 Rent and arrears of rent of sub-tenancies. 23.—(1) Where a holding to which this Act applies is sublet in whole or in part the rent payable by any subtenant to the tenant thereof shall, as from the gale day next preceding the date of the passing of this Act, be reduced by 25 per cent. (2) No tenant shall be entitled to recover from a subtenant any greater sum in respect of arrears of rent than a sum ascertained in like manner as compounded, arrears of rent are to be ascertained under this Act. (3) This section shall not apply to any subletting made for the purpose of temporary depasturage, agistment or conacre, or for temporary convenience or to meet a temporary necessity.

24 Vesting of lands in Land Commission on appointed day. 24.—(1) Subject to the provisions of this Act and notwithstanding anything contained in any other enactment, all tenanted land wherever situated and all untenanted land situated in any congested districts county and such untenanted land situated elsewhere as the Land Commission shall, before the appointed day, declare to be required for the purpose of relieving congestion or of facilitating the resale of tenanted land, shall by virtue of this Act vest in the Land Commission on the appointed day, in the like manner and with the like consequences as if vesting orders under the Land Purchase Acts had been made on the appointed day in respect thereof in pursuance of subsequent purchase agreements entered into by the Land Commission with the respective owners of the lowest interest in the land constituting an interest saleable under the Land Purchase Acts, at the price fixed by or under this Act. (2) The foregoing sub-section shall not apply to— ( a ) any land which has been purchased under the Land Purchase Acts or is on the appointed day the subject of an actual purchase agreement hereunder lodged with the Land Commission before the date of the passing of this Act; or ( b ) any land which is not at the date of the passing of this Act substantially agricultural or pastoral or partly agricultural and partly pastoral in character, or any land comprised in a holding the main object of the letting of which was for a residence and which at date of the passing of this Act retained its residential character; or ( c ) any parcel of untenanted land which is a demesne, home farm, park, garden, or pleasure ground or any holding usually occupied by a person in connection with such demesne, home farm, park, garden or pleasure ground; or ( d ) any parcel of untenanted land which consists of or forms part of land which was purchased under the provisions of the Irish Church Act, 1869, for a sum not exceeding two thousand pounds; or ( e ) any holding or parcel of untenanted land which in the opinion of the Land Commission possesses a substantial value or utility whether potential or actual as building ground; or ( f ) any land which is vested in or held in trust for the State or any Government Department, or is held by any local or public authority (otherwise than as tenants thereof) for the purposes of their powers and duties as such, or is held by any corporation for the purposes of a railway, tramway, dock, canal, water, gas, electricity or other public undertaking; or ( g ) any "glebe" as defined by the Act of 38th and 39th Victoria, Chapter 42, which now is or hereafter shall be held or occupied by any "ecclesiastical persons" as by the same Act defined. (3) Notwithstanding anything contained in the foregoing sub-sections, where the Land Commission before the appointed day declare in the prescribed manner that any land wherever situated, hereinbefore excluded from the operation of this section (other than land which comes within the description in clause (f) of sub-section (2) of this section), is required for the purpose of relieving congestion, then such land shall vest in the Land Commission pursuant to this section. (4) Where the Land Commission declare that any land coming within clause (a) of sub-section (2) of this section is required for the purpose of relieving congestion the following provisions shall have effect:— ( a ) if the land so declared forms portion of the holding the proprietor or tenant of the holding may within the prescribed time and in the prescribed manner require that the entire holding be so declared and the Land Commission shall in that event either so declare the entire holding or withdraw from the proposed acquisition of the said portion. ( b ) if within the prescribed time, and in the prescribed manner the proprietor or tenant of the declared land so requires them to do the Land Commission shall as soon as practicable provide the said proprietor or tenant with a new holding which in the opinion of the Land Commission other than the Judicial Commissioner

(subject to the right of appeal to the Judicial Commissioner, whose decision shall be final) shall be equally suitable for the said proprietor or tenant and of not less value than the declared land. The provisions contained in this Act for transferring burdens and rights on the exchange of holdings by agreement shall extend to any exchange of lands effected under this sub-section. (5) The Land Commission shall not without the consent of the owner acquire land from him under the powers conferred on them by sub-section (3) of this section so long as there is other unacquired land in the same locality suitable for relieving congestion which does not come within the exceptions mentioned in sub-section (2) of this section and which the Land Commission can acquire without exercising the special powers given by the said sub-section. (6) For the purposes of this section the expression "home farm" means a farm used for the convenience or advantage of the owner's residence and in connection therewith, and not merely as an ordinary farm for the purposes of profit. (7) Nothing in this Act shall render it obligatory for the Land Commission to acquire untenanted land which is intermingled with woodland, or the acquisition of which would, in the opinion of the Land Commission, be detrimental to the preservation of woodland and to the interests of forestry, and where any lands vested in the Land Commission under this Act are wholly or practically surrounded by lands under timber, or intermixed with woods, the property of the owner of the lands so vested, it shall be optional to the owner to require the Land Commission to purchase such timber, lands or woods. (8) Any person aggrieved by a decision of the Judicial Commissioner on any question of law arising under this section may appeal from such decision to the Court of Appeal, but there shall be no appeal from any decision of the Judicial Commissioner on any question of price.

25 The price of land. 25.—(1) As respects tenanted land the price of each holding shall be a capital sum, hereinafter called "the standard price," of such amount that interest thereon at the rate of  $\frac{43}{4}$  per cent. per annum will be equal to the standard purchase annuity for the holding as ascertained in accordance with the first schedule to this Act together with a contribution by the State to the price calculated at 10 per cent. on, and added to, the standard price. (2) As regards untenanted land the price shall, in default of agreement, be such an amount as may be fixed by the Land Commission (other than the Judicial Commissioner), or by the Judicial Commissioner on appeal from the Land Commission, and in fixing such sum regard shall be had to the fair value of the land to the Land Commission and the owner respectively.

26 Sub-tenancies. 26.—(1) Where the whole or part of a holding of tenanted land, which is vested in the Land Commission by virtue of this Act, is sublet, otherwise than for the purpose of temporary depasturage, agistment or conacre, or for temporary convenience or to meet a temporary necessity, then for the purposes of the provisions of this Act, as to the standard price and as to resales by the Land Commission, the following provisions shall have effect:— ( a ) if the entire of the holding is in the occupation of a subtenant, the rent payable by the sub-tenant shall be taken to be the rent payable in respect of the holding, and the sub-tenant shall be taken to be the tenant; ( b ) if the entire of the holding is in the occupation of two or more sub-tenants, the portion in the occupation of each sub-tenant shall be treated as a separate holding held at the rent payable in respect of the sub-tenancy and the sub-tenant shall be treated as the tenant thereof; ( c ) if portion of the holding is in the occupation of the tenant and the remainder is in the occupation of one or more sub-tenants, the portion in the occupation of the tenant shall be treated as a separate holding held at an apportioned part of the rent payable in respect of the entire holding, the apportionment being made according to rateable value, or (if that portion is not separately rated) according as may be determined by the Land Commission (other than the Judicial Commissioner) and the tenant shall be treated as tenant thereof, and so much of the remainder of the holding as is in the occupation of any sub-tenant shall be treated as a separate holding held at the rent payable in respect of the sub-tenancy, and the sub-tenant shall be treated as the tenant thereof; ( d ) where portion of a holding is sublet and that portion is of such character that it ought not in the opinion of the Land Commission to be treated as a separate holding for the purposes aforesaid, the Land Commission may treat the holding as if the portion was not sublet or in the occupation of the

sub-tenant. (2) For the purposes of this section, sub-section (2) of section fifteen of the Irish Land Act, 1903, shall apply with the substitution of "the Judicial Commissioner" for "the Land Commission" and the substitution of "the Vendor" for "the owner of the Estate."

27 Dividends and interest on purchase money pending distribution. 27.—Where land is vested in the Land Commission by virtue of this Act, the dividends on the Land Bonds representing the purchase money shall, pending distribution thereof, be paid to the Land Commission, and the Land Commission shall pay interest on so much of the purchase money as is for the time being undistributed at the rate of 4½ per cent. per annum to the vendor, or such other person or persons as shall appear to the Land Commission to be entitled thereto.

28 Subsequent purchase agreements by tenants. 28.—(1) The tenant of every holding of tenanted land vested in the Land Commission by virtue of this Act, and to which this section applies, shall be deemed on the appointed day to have entered into a subsequent purchase agreement for the purchase the holding from the Land Commission at the standard price. (2) There shall be payable by the tenant to the Land Commission an annual sum, equivalent to the standard purchase annuity for the holding, and the additional annuity (if any) in respect of compounded arrears of rent added to the purchase money, from the appointed day until the gale day next after the holding is vested in the tenant. The Land Commission shall have for the recovery of such annual sum the same remedies as they have for the recovery of unpaid instalments of purchase annuity. (3) There shall be payable by the tenant to the Land Commission on the gale day on which the first instalment of the said annual sum shall become payable by him an additional sum, equivalent to a proportion of the said annual sum in respect of the period between the said gale day and the day on which the next dividend are payable on Land Bonds issued under this Act. The Land Commission shall have for the recovery of such additional sum the same remedies as they have for the recovery of unpaid instalments of purchase annuity. (4) Every holding to which this section applies shall be vested in the tenant by the Land Commission by vesting order or otherwise. (5) All payments made by the tenant after the appointed day on foot of the annual sum payable by him to the Land Commission under this section shall, from and after the vesting of the holding in him, be treated for all purposes as if they had been payments in respect of purchase annuity. (6) This section shall not apply to— ( a ) any holding in respect of which the standard price exceeds three thousand pounds; or ( b ) any holding in the beneficial occupation of a tenant who is on the appointed day the proprietor of lands for the purchase of which advances have been made under any of the Land Purchase Acts, unless redeemed, if the total amount resulting from the addition to the standard price of the amount obtained by capitalising at the rate of four and three-quarters per cent. the original annuities payable on such advances, exceeds £3,000; or ( c ) any holding as respects which the Land Commission declare that it is not in the public interest that the holding shall be resold to the tenant as aforesaid, whether on the ground that the improvement of the holding is essential and practicable, or otherwise; or ( d ) any holding which in the opinion of the Land Commission ought to be retained for improvement or enlargement, or for utilisation in connection with the relief of congestion; all which holdings are in this Act referred to as retained holdings.

29 Power of Land Commission in regard to retained holdings. 29.—In the case of every holding retained by the Land Commission— (1) The Land Commission shall have, and may excise all or any of the powers exercisable by them as respects holdings on Estates vested in them, including powers of resumption of the whole or part of the holding, whether the holding is or is not part of an Estate or subject to a judicial rent; and in exercising the powers aforesaid shall have regard to the necessity of relieving congestion, the desirability of increasing the food supply of the country, and the manner in which the holdings have been used. (2) When the Land Commission resume part of a holding they may apportion the rent which was payable in respect of the holding at the date of the passing of this Act between the part resumed and the remainder of the holding as the justice of the case may require. (3) On any application by the Land Commission for or in connection with the resumption of a

holding, the powers of the Court under section five of the Land Law (Ireland) Act, 1881, shall be exercised exclusively by the Judicial Commissioner whose decision shall be final. The compensation payable to the tenant shall be fixed on the basis on which resumption prices have heretofore been fixed under the said section and in fixing the price the Judicial Commissioner may have regard to payments made by the tenant to the Land Commission under this Act. The compensation payable to the tenant shall be paid in 4½ per cent. Land Bonds, equal in nominal amount thereto, and all claims attaching to the compensation shall be paid and discharged as if they were claims attaching to purchase money paid by means of 4½ per cent. Land Bonds under this Act. (4) There shall be payable to the Land Commission by the tenant of every retained holding an annual sum equivalent to the standard purchase annuity for the holding and the additional annuity (if any) in respect of compounded arrears of rent added to the purchase money from the appointed day— ( a ) if the entire holding is re-sold to the tenant, until the gale day next after the vesting of the holding; ( b ) if the holding is resumed by the Land Commission, until the date of such resumption; ( c ) if part of the holding is re-sold to the tenant or is resumed by the Land Commission, until such date as the Land Commission shall appoint but subject to such apportionment or variation before that date as the Land Commission shall direct. The Land Commission shall have for the recovery of such annual sum the same remedies as they have for the recovery of unpaid instalments of purchase annuity. (5) There shall be payable by the tenant to the Land Commission on the gale day on which the first instalment of the said annual sum shall become payable by him an additional sum, equivalent to a proportion of the said annual sum, in respect of the period between the said gale day and the day on which the next dividends are payable on Land Bonds issued under this Act. The Land Commission shall have for the recovery of such additional sum the same remedies as they have for the recovery of unpaid instalments of purchase annuity. (6) If the entire holding is re-sold to the tenant, all payments made by the tenant after the appointed day on foot of the annual sum payable by him to the Land Commission under this section shall from and after the vesting of the holding, in him be treated for all purpose, as if they had been payments in respect of purchase annuity. In every other case such proportion of the payments aforesaid as the Land Commission shall direct shall from and after the vesting of any part of the holding in a purchaser be treated for all purposes as if they had been payments in respect of purchase annuity charged on that part of the holding.

30 Limitation on advances. 30.—For the purpose of any resale the limit on the amount that may be advanced shall in every case be £3,000, provided that this limitation may be exceeded to such extent as appears to the Land Commission to be proper in any case where in the opinion of the Land Commission it is expedient that the sum to be advanced should be more than £3,000.

31 Advances for purchase of parcels of land. 31.—(1) Advances may be made to the following persons or bodies for the purchase by them from the Land Commission of parcels of land:— ( a ) A person being the tenant or proprietor of a holding which in the opinion of the Land Commission is not an economic holding. ( b ) A person who has entered into an agreement with the Land Commission for the exchange of his holding. ( c ) A person who within 25 years before the passing of the Irish Land Act, 1908, was the tenant of a holding to which the Land Purchase Acts apply, and who was evicted from that holding in consequence of proceedings taken by or on behalf of his landlord, or in case such person is dead, a person nominated by the Land Commission as his personal representative. ( d ) A person being a labourer who by reason of the sale of any lands under the provisions of the Land Purchase Acts has been deprived of his employment on the said lands. ( e ) Trustees for the purposes mentioned in section 4 of the Irish Land Act, 1903, as extended by this Act. ( f ) Any other person or body to whom in the opinion of the Land Commission an advance ought to be made. In selecting persons under this paragraph the Land Commission may have regard to the cases of persons who, or whose predecessors have been evicted from their holdings in consequence of proceedings taken by or on behalf of the landlord, and who are not included

in paragraph (c) above. (2) The Land Commission in deciding as to the suitability of applicants under this section shall be satisfied as to their competence to work the land, and their intention to do so and not to sell, let or assign it. The agreement between the applicant and the Land Commission for the purchase of a parcel of land shall in all cases provide that the parcel shall not be vested in the applicant unless the Land Commission are satisfied that it is being worked by him in accordance with proper methods of husbandry and that if the Land Commission are not so satisfied they may demand and recover possession of the parcel freed and discharged from any claim by the applicant. (3) The Land Purchase Acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance of this section in like manner as if the same was a holding and the purchaser was the tenant thereof at the time of his making the purchase, 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. (4) Section 17 of the Irish Land Act, 1909, shall cease to have effect save as regards the sale of any parcels of land in respect of which purchase agreements have been entered into before the passing of this Act, and, save as aforesaid, any reference in any enactment to that section shall be construed as a reference to this section.

32 Resale of untenanted land to owners. 32.—Where the owner of a parcel of untenanted land which is vested in the Land Commission by virtue of this Act uses and cultivates the same as an ordinary farm in accordance with proper methods of husbandry; then ( a ) if the price of the parcel together with the value of any other lands in the possession of the owner as ascertained by the Land Commission does not exceed £3,000 the Land Commission shall if the owner so requires and unless in their opinion it ought to be retained for improvement or enlargement or for utilization in connection with the relief of congestion, resell the parcel to the owner at the said price, if before the appointed day he has undertaken to purchase it at that price; and ( b ) if the price of the parcel together with the value of any other lands in the possession of the owner as ascertained by the Land Commission exceeds £3,000 the Land Commission may resell to the owner either the whole thereof at the said price or any part thereof at a price bearing the same proportion to the said price which the value of the part bears to the value of the whole of the parcel as ascertained by the Land Commission, but the advance shall not in any case exceed £3,000, unless in the opinion of the Land Commission it is expedient that this amount should be exceeded, the difference (if any) between the amount to be advanced and the price being paid in cash by the owner to the Land Commission.

33 Resale to tenants of retained holdings. 33.—Where in the case of a holding retained by the Land Commission, the Land Commission do not exercise their powers of resumption or if they exercise their powers of resumption in respect of only part of the holding, then if the tenant has used and cultivated the holding as an ordinary farmer in accordance with proper methods of husbandry, the Land Commission shall resell to the tenant (if he so require) the holding at the standard price, or any part thereof not resumed at the proportionate part of such price applicable thereto as determined by the Land Commission, and shall make an advance for the purpose of the purchase not exceeding such sum as with the amount, obtained by capitalising at the rate of four and three-quarters per cent. the original annuities payable on the advances, if any, unless redeemed, which may already have been made under any of the Land Purchase Acts for the purchase of lands of which the tenant is the proprietor at the date of such resale, does not exceed £3,000, unless in the opinion of the Land Commission it is expedient that this amount should be exceeded, the difference (if any) between the amount to be advanced and the price being paid in cash by the tenant to the Land Commission.

34 Vesting of rearranged holdings. 34.—(1) If the tenant of any holding retained by the Land Commission refuses to enter into an agreement for the purchase of the holding, or of a new holding consisting of part of the original holding, or of a new holding consisting of the whole or part of the original holding and other land, at the price which the Land Commission are prepared to advance, the Land Commission (other than the Judicial Commissioner) may after serving the prescribed notice upon the tenant and considering any objections made by him

make an order declaring the tenant to be the purchaser of the original or new holding, as the case may be, for such price and upon such terms and conditions as may be specified in the order, and the tenant shall thereupon be deemed to have entered into a purchase agreement on the prescribed date for the purchase of the original or new holding, as the case may be, for the price and upon the terms and conditions so specified, and the purchase shall be completed accordingly. (2) An appeal shall lie from any order under this section to the Judicial Commissioner, who shall have power to reverse or confirm the order, or to make any order which might have been made by the Land Commission.

35 Resale of demesnes. 35.—Where the Land Commission have acquired any land from an owner under this Act they may purchase from him any demesne or other land in his occupation adjacent thereto at a price which in their opinion represents the selling value thereof, and in such case may resell the whole or any portion of that land to him as if he were a person to whom advances might be made for the purchase of a parcel of land under this Act. The provisions of sub-sections (4) and (5) of section 3 of the Irish Land Act, 1903, shall apply to any resale under this section.

36 Power to Land commission to purchase in untenanted land. 36.—The Land Commission may purchase any untenanted land which they consider necessary for the purpose of providing parcels of land for any of the persons or bodies to whom advances may be made under the provisions of this Act, for such price, payable in 4½ per cent. Land Bonds of equal nominal value, as shall be agreed upon between the owner of such untenanted land and the Land Commission, and such land when vested in the Land Commission shall be subject to all the provisions of this Act relating to the providing of parcels of land for the persons or bodies aforesaid.

37 Power to acquire any bog. 37.—The powers of the Land Commission under this Act to acquire any untenanted land shall include power so to acquire any bog for the purpose of providing turbary for the occupiers of land in the neighbourhood thereof, whether the said bog is or is not subject to any right of turbary of other persons than the owner, and whether or not an advance under the Land Purchase Acts has been made for the purchase of lands including such bog, and if made, whether redeemed or not. In exercising the powers given by this section the Land Commission shall have due regard to the reasonable requirements of the owner.

38 Redemption of fee farm or other rents. 38.—Where a parcel of untenanted land situate in a non-congested districts county is held under a fee farm grant, lease renewable for ever for lives or years or lease for a term of years of which 60 or more are unexpired at the date of the passing of this Act and the proprietor of the parcel applies in the prescribed manner to the Land Commission for an advance for the purpose of redeeming the rent created or reserved by the fee farm grant or lease or such proportionate part thereof as may be payable in respect of the parcel, the Judicial Commissioner shall, after hearing all persons concerned, apportionment if such apportionment shall be necessary and any superior rent and order the redemption of the rent or the apportioned part thereof as the case may be and all interests superior thereto and fix the redemption price thereof. The redemption price so fixed together with such costs as may be allowed by the Judicial Commissioner shall be advanced and paid by means of 4½ per cent. Land Bonds and distributed by the Judicial Commissioner as if the redemption price of the rent were purchase money of land vested in the Land Commission under this Act and the amount advanced shall be repayable by the proprietor of the parcel by means of an annuity (charged on the parcel and recoverable in like manner as a purchase annuity) calculated at the rate of 4 3/4 per cent. on the amount of the advance and where the parcel is held under a lease the proprietor shall acquire and have an estate in fee simple therein instead of the term created by the lease.

39 Redemption of superior interests on purchased holdings. 39.—Where a holding has at any time been vested in a purchaser under the Land Purchase Acts subject to a superior interest or charge the Judicial Commissioner shall on the application of the proprietor after hearing all persons concerned order the redemption of the said Interest or charge and all interests superior to them and fix the redemption price thereof. The redemption price so fixed together with such costs as may be allowed by the Judicial Commissioner shall notwithstanding the provisions contained in sub-section (4) of section 9 of the Purchase of Land (Ireland) Act, 1891, be advanced and paid by means of 4½ per cent. Land Bonds and distributed by the Judicial Commissioner as if the redemption price were the purchase money of land vested in the Land Commission under this Act. The advance shall be repayable by the proprietor of the holding by means of an annuity calculated at the rate of 4 3/4 per cent. on the amount of the advance and the said. annuity shall be recoverable in like manner as a purchase annuity.

40 Ascertainment of lands to be vested in Land Commission. 40.—It shall be the duty of every person who is entitled to the rents and profits of any land to which this Act applies or who pays any rent in respect of such lands or who receives or pays such rents and profits, or rent on behalf of any other person, furnish in writing to the Land Commission upon application in that behalf made to him by the Land Commission such particulars with respect to the land in such form and verified in such manner within such time as the Land Commission may by a general or special notice require and prescribe. (2) The Land Commission shall from time to time publish provisional lists of the lands which will, if not excluded in consequence of a valid objection, become vested in the Land Commission on the appointed day, together with notice of the manner in which and the time within which the objections may be made to the list by reason of the inclusion or non-inclusion therein of any land. (3) The Land Commission (other than the Judicial Commissioner) shall consider all objections duly made, and there shall be a right of appeal to the Judicial Commissioner whose decision shall be final save where in this Act otherwise provided. (4) The Land Commission shall publish a final list of lands with respect to which no objection has been lodged, and from time to time as and when objections to other lands have been finally settled a final list of those lands, and a final list when so published, whether after or before the appointed day, shall be conclusive evidence that the lands comprised therein became or will become vested by virtue of this Act on the appointed day. (5) If any person wilfully neglects or refuses to give any information which he is required to furnish under this section within the prescribed time, or knowingly furnishes any information which is false in any particular, he shall on summary conviction be liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months. (6) Any Inspector or other person appointed by the Land Commission may after notice sent by post to the person who appears to be owner or occupier of any land, enter upon the land and make all such enquiries as may be necessary to enable the Land Commission to ascertain the extent and character thereof, and such other particulars in relation thereto as they may require for the purposes of this Act. (7) Where duties under this section are performed on behalf of the owner of any land by any land agent, solicitor, or land clerk nominated with the approval of the Land Commission, he may be paid such remuneration as may be directed by the Land Commission with the assent of the Minister for Finance, and such remuneration shall be paid as part of the expenses of the Land Commission. (8) Where in the case of the sale of any land an agent has been employed in the management of the estate comprising the land sold, such sum as may be sanctioned by the Land Commission may with the consent of the owner of the land be paid to the agent in Land Bonds out of the purchase money on his ceasing to act as such agent. (9) Any notice or list required to be published under this section shall be published in the; Iris Oifigiúil and in such a manner as the Land Commission consider best adapted for section in publicity.

41 Powers of Land Commission over solicitors and agents. 41.—(1) Where any person— ( a ) fails to furnish any information, map, particular, or document which under this Act it is his duty to furnish, or, in the opinion of the Judicial Commissioner, fails to carry out such duty in a satisfactory manner; or ( b ) wilfully fails or refuses to make title or produce evidence of

title; or ( c ) fails to prosecute any proceedings with due diligence and effect; it shall be lawful for the Judicial Commissioner to appoint a solicitor, land agent, engineer or surveyor to act in the matter and to carry out the instructions of the Land Commission, and such solicitor, land agent, engineer, or surveyor shall have all such powers as he would have had had he been duly. employed by such person as aforesaid. (2) Such costs and remuneration as may be approved by the Judicial Commissioner shall be paid by the Land Commission to any such solicitor, land agent, engineer, or surveyor so employed, and shall be recoverable by the Land Commission from the person in consequence of whose default such payment became necessary. (3) Where a solicitor, land agent, engineer, or surveyor appointed by the owner does not in the opinion of the Judicial Commissioner prosecute any proceedings with due diligence and effect, the Judicial Commissioner shall have power to remove such solicitor, land agent, engineer, or surveyor and appoint such other person or persons as he may think fit in the place of the person so removed, and the person or persons so appointed shall have and exercise the same authorities and powers and shall be entitled to the same costs and remuneration as if he had been appointed by the owner.

42 Power to make regulations as to turbary. 42.—The powers of the Land Commission to make regulations with respect to turbary on bogs on holdings shall be extended so as to include power to make regulations with respect to turbary on any bog, whether the owner thereof has or has not an exclusive right of turbary thereon, and so as to include power of defining the area on which the owner may cut turf and to make regulations conferring and defining rights of access to and through the bog over any land for the purposes of turbary.

43 Power to provide rights of way. 43.—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 include power to provide, where necessary, rights of way to and from such land, and for this purpose they may, in the prescribed manner, make orders conferring and defining such rights of way and fixing the compensation (if any) to be paid to the owner of the land over which such rights of way have been conferred or defined.

44 Preservation of embankments, etc. 44.—(1) Where it appears to the Judicial Commissioner that prior to the appointed day a landlord, or in the case of untenanted land an owner, has been liable for the cleansing or maintenance in whole or in part of any watercourse drain embankment or other work, either alone or in, conjunction with other persons and whether under the terms of a contract of tenancy or otherwise, he may direct that out of the Land Bonds representing the purchase money there shall be transferred and applied in manner hereinafter provided Land Bonds sufficient to yield such income as in his opinion will be required for the future cleansing and maintenance of such watercourse drain embankment or other work, in accordance with the liability as ascertained by him of the former landlord or owner. (2) Land Bonds so ordered to be transferred and applied shall be transferred to the Public Trustee, and the income shall be applied in or towards the cleansing or maintenance of the watercourse, drain, embankment, or other work in accordance with a scheme to be framed by the Land Commission which may if thought fit authorise the sale of the said Land Bonds or the investments for the time being representing the same or any part thereof and the application of the principal moneys arising from such sale in or towards the reconstruction of such work. (3) The Land Commission shall have power to determine all questions in connection with watercourses, drains and embankments, and the cleansing and maintenance thereof, and to define or prescribe the rights, obligations, and liabilities in relation thereto of all parties. (4) The Land Commission shall have power to enter on any lands for the purposes of the cleansing, repair, maintenance or restoration of watercourses, drains, embankments, or other works, and to take such soil and materials therefrom, and. to do such things thereon as may be necessary for the said purposes. (5) The Land Commission shall have power in their discretion to expend in or towards the reconstruction of any watercourse, drain, embankment or other work such sum as it their request the Minister for Finance shall approve of and advance out of moneys to be provided by the Oireachtas, and so much of such sum as the

Land Commission certify in that behalf shall be repay able by means of an annuity or annuities charged upon any land, which the Land Commission certify to have been benefited by such expenditure, as if the said such had been advanced for the purchase of the land in pursuance of a subsequent purchase agreement, the said annuity to be consolidated, so far as circumstances permit, with any existing Land Purchase annuity to which the land is subject.

45 Sporting rights, fisheries and minerals. 45.—(1) On the vesting of any lands in the Land Commission under this Act, all sporting rights as defined in sub-section (2) of section 13 of the Irish Land Act, 1903, including such sporting rights as may be superior interests, and all fisheries appurtenant to the said lands shall vest in the Land Commission subject to any lease then existing a if the owner or owners had agreed to sell them at such price as in the absence of agreement shall be fixed by the Land Commission (other than the Judicial Commissioner) or by the Judicial Commissioner on appeal from the Land Commission, regard being had in fixing such price to the fair value of the sporting rights and fisheries to the Land Commission and to the owner or owners respectively: Provided that in the case of tenanted land the sporting rights other than fishing rights and fisheries shall be deemed to be of no appreciable value. (2) Where the tenant of a holding of tenanted land is deemed to have entered into a subsequent purchase agreement for the purchase of the holding from the Land Commission under this Act the sporting rights on and over the holding other than fishing rights and fisheries, shall be vested in him with the holding. (3) The purchase money of all such sporting rights and fisheries shall be paid in four and a half per cent. Land Bonds. (4) The Land Commission shall have power to make regulations conferring and defining rights of passage through and over any lands to any river or lake and along the banks or shores of any such river or lake which in the opinion of the Land Commission may be necessary or expedient for the proper user and enjoyment of any fishing rights vested in the Land Commission under this Act. (5) On the vesting of any land under this Act the exclusive right of mining and taking minerals and digging and searching for minerals on or under that land, including such mineral rights as may be superior interests, shall vest in Saorstát Éireann: Provided that this sub-section shall not apply— ( a ) to any mine or quarry which is being worked or developed by the owner or his lessee on the appointed day; ( b ) to any stone, gravel, sand or clay: Provided also that where any such rights vested in Saorstát Éireann under this sub-section are at any time hereafter let leased or sold the person who would have been entitled thereto if they had not so vested shall be entitled to receive such share of any rent purchase money or any other net profit received in respect of the same as shall be hereafter determined by the Oireachtas.

46 Facilities for exchange of holdings. 46.—(1) For the purpose of facilitating the improvement of holdings, the registered owner of any holding, whether registered as full owner or as limited owner, shall have power to enter into an agreement with the Land Commission under this section for an exchange of holdings, and the agreement may be carried into effect in manner provided by this section. (2) The registered owner shall transfer the holding to the Land Commission, and the Land Commission shall in exchange provide for him a new holding either by selling to him a parcel of land under the Land Purchase Acts, or by transferring to him a holding purchased under those Acts. (3) The transfer to the Land Commission of the original holding shall as from the date of its registration operate to vest in the Land Commission an estate in fee simple in the holding, subject to such of the burdens enumerated in section forty-seven of the Local Registration of Title (Ireland) Act, 1891 (other than succession duty and estate duty), as affect the holding on that date, and subject to any burden created under any Act relating to the Board of Works, but free from all other burdens and rights, whether registered or not registered, which then affect the holding (including succession duty and estate duty and any burdens the ascertainment of which was dispensed with on first registration), and all such burdens and rights shall, as from that date, be transferred to the new holding without any conveyance or order. (4) Where the new holding is provided by transferring to the registered owner a holding purchased under the Land Purchase Acts, the holding shall be transferred to him subject to such of the burdens enumerated in section forty-seven of the Local Registration of Title (Ireland) Act, 1891 (other than

succession duty and estate duty), as affect the holding on the date of the transfer, and to the burdens and rights transferred from the original holding, but free from all other burdens and rights whether registered or not registered (including succession duty and estate duty and any burdens the ascertainment of which was dispensed with on first registration of the new holding). (5) The registration of the Land Commission as owners of the original holding, and of the registered owner as owner of the new holding, shall be effected on the same date, and it shall be the duty of the Land Commission to procure the registrations and to take all steps that may be necessary for that purpose. (6) The provisions of this section with respect to the registered owner of a holding shall in the following cases extend to the following persons respectively (that is to say):— ( a ) if Part IV. of the Local Registration of Title (Ireland) Act, 1891, applies to the holding and the registered owner (being registered as full owner) is dead, to his legal personal representative; ( b ) if the registered owner is an infant, lunatic or person of unsound mind, to any person by whom he may be represented for any of the purposes of the Local Registration of Title (Ireland) Act, 1891; and ( c ) if a representative of a registered owner is appointed by the County Court for the purposes of this section, to that representative. (7) The County Court shall have power to appoint a representative of the registered owner of a holding for the purposes of this section when it appears to the Court, on the application of the Land Commission or any person interested, that the registered owner is a person not resident in Saorstát Éireann or a person as to whom it is not known whether he is alive or dead, and that it is to the advantage of the persons interested in the holding that it should be exchanged for a new holding under this section. Application to the County Court and the practice and procedure thereon may be regulated by rules of Court.

47 Ancient Monuments. 47.—The definition of ancient monuments contained in section 14 of the Irish Land Act, 1903, shall include any monument which in the opinion of the Land Commission is of archaeological interest and shall where the Land Commission so declare also include the site of the monument and such portion of the land adjoining it as is necessary to prevent injury and afford access.

### PART III - THE NATIONAL LAND BANK, LIMITED

48 Application of this Part of the Act. 48.—The provisions of Part II. of this Act shall not, save as provided in this Part of this Act, apply to any lands which have been purchased by a co-operative farming society (in this Part of this Act called a Society), or by a body of trustees, by means of advances made by the National Land Bank, Limited (in this Part of this Act called the Bank), and which, at the date of the passing of this Act, are subject to a charge for repayment of such advances, or any part thereof.

49 Vesting in Land Commission on appointed day. 49.—All land purchased by a Society or body of trustees, by means of advance made by the Bank, shall, if any part of the advance is unpaid, vest in the Land Commission on the appointed day, in like manner, and with the like consequences, as if vesting orders under the Land Purchase Acts had been made on the appointed day in respect thereof, in pursuance of subsequent purchase agreements entered into by the Land Commission with the Society or body of trustees, at the price fixed under the provisions contained in this Part of this Act.

50 Information required from the Bank by Land Commission. 50.—The Bank shall furnish in writing to the Land Commission particulars of the lands so purchased, of the portion of the purchase money (if any) deposited with them by the Society or body of trustees, of the advance made by them for the purchase thereof, of the amount due them in respect of such advance, and of the superior interests and other charges (if any), subject to which the lands were purchased by the Society or body of trustees, together with such other particulars as the Land Commission may require and prescribe, and shall lodge with the Land Commission such deeds, documents and maps as may be necessary for the purpose of verifying the particulars so furnished.

51 Advertisement by Land Commission of lands acquired. 51.—The Land Commission shall, from time to time, publish notices containing particulars of the lands so purchased and of the superior interests and other charges, including the charge for the repayment of the advance due to the Bank, subject to which they were purchased, and such notices shall prescribe the time within which, and the manner in which, objections to such notices may be made, by reason of the inclusion or non-inclusion therein of any lands, or the omission or mis-description of any such superior interest or charge, as aforesaid.

52 Ascertainment of purchase price. 52.—The Land Commission (other than the Judicial Commissioner) shall consider all objections duly made, and there shall be a right of appeal to the Judicial Commissioner, whose decision shall be final. The Judicial Commissioner shall, if he is satisfied that prior to the date of the passing of this Act the Society or body of trustees had a good title to the lands so purchased, free from incumbrances, save the charge securing the repayment of the advance due to the Bank, and any superior interests or Land Purchase Annuities, ascertain the superior interests issuing out of the lands, and shall fix the redemption price of all such superior interests and annuities, and shall also ascertain the amount due for principal (without giving credit for the deposit, if any, lodged with the Bank by the Society or body of trustees) and interest on foot of the charge securing the repayment of the advance due to the Bank, and shall fix the price of the lands at such sum as shall be sufficient to redeem and pay off all such superior interests and annuities, and the charge securing the repayment of the advance due to the Bank, together with such costs as may be allowed by him. When the Bank shall have lodged with the Land Commission such deposit is aforesaid the price so ascertained, of which one-eleventh shall be contributed by the State, shall be paid in 4½ per cent. Land Bonds on the appointed day.

53 Provisions as to deposits by a Society or body of trustees. 53.—The deposit when lodged with the Land Commission shall be invested by them, and the income from such investments so far as not required to recoup the Land Commission for unpaid instalments of purchase annuities (if any) in respect of the advance made to the Society or body of trustees under this Part of the Act, by whom the deposit was originally made with the Bank, shall be paid to such Society or body of trustees until the deposit is utilised otherwise by the Land Commission or repaid in whole or in part to the Society or body of trustee, under the following provisions namely:— ( a ) It shall be lawful for the Land Commission at any time before the advance is certified to be repaid, if they are not satisfied with the security for the same, or if the purchase annuities have been allowed to fall into arrear, to utilise the whole or part of the deposit in redemption pro tanto of the advance; ( b ) It shall be lawful for the Land Commission at any time, if they are satisfied that the deposit is not required as security for the advance to repay the whole or any part thereof to the Society or body of trustees who originally lodged the same with the Bank or to their lawful successors; ( c ) Such part of the deposit as shall not have been utilised under the fore-going paragraphs shall, when so much of the advance as is equivalent to the value of the deposit remaining with the Land Commission shall be certified to have been repaid, and provided that the Land Commission are satisfied with the security for the unredeemed portion of the advance, be repaid to the Society or body of trustees who originally lodged the same with the Bank or to their lawful successors.

54 Conditions of resale to the Societies. 54.—Subject to the provisions hereinafter contained, each Society or body of trustees, which on the appointed day was in occupation of lands so purchased and vested in the Land Commission under the provisions of this Part of this Act, shall be deemed, on the appointed day, to have entered into a subsequent purchase agreement with the Land Commission for the purchase of the lands from them, at a price equivalent to ten-elevenths of the price fixed under the provisions of the foregoing section. There shall be payable by the Society or body of trustees to the Land Commission an annual sum, calculated at the rate of 4½ per cent. upon the sum for which the Society or body of trustees is deemed to have agreed to purchase the lands, from the appointed day until the gale day next after the

vesting of the lands in the Society or body of trustees, or until the cesser and determination of the interest of the Society or body of trustees in the lands. The Land Commission shall have for the recovery of such annual sum the same remedies as they have for the recovery of unpaid instalments of purchase annuity. There shall be payable by the Society or body of trustees to the Land Commission, on the gale day on which the first instalment of the said annual sum shall become payable by them, an additional sum, equivalent to a proportion of the said annual sum, in respect of the period between the said gale day and the day on which the next dividends are payable on Land Bonds issued under this Act. The Land Commission shall have for the recovery of such additional sum the same remedies as they have for the recovery of unpaid instalments of purchase annuity. All payments made by a Society or body of trustees after the appointed day on foot of the annual sum payable to the Land Commission under this section shall, from and after the vesting of the parcel in them be treated for all purposes as if they had been payments in respect of purchase annuity.

55 Vesting of the lands in the Societies. 55.—(1) After the appointed day, where the Land Commission are satisfied that lands so purchased and vested in the Land Commission have been properly managed, after the methods of good husbandry, and that the Society or body of trustees is properly constituted under the rules governing such Societies, or the Deed of Trust appointing such trustees and approved by the Land Commission, and has conducted its affairs according to such rules or such deed, and has not done or suffered any act, by reason of which the Society is liable to be wound up or dissolved or the body of trustees is liable to be declared bankrupt or insolvent, the lands shall be vested in the Society or body of trustees by means of a vesting order or otherwise. (2) Where the Land Commission are not satisfied that the foregoing conditions have been fulfilled, and so declare in the prescribed manner, then the interest of the Society or body of trustees in the lands shall absolutely cease and determine, and the lands shall be retained by the Land Commission, as if they had been untenanted lands vested in the Land Commission under the provisions of Part II. of this Act.

56 Non-application of Costs Fund. 56.—The provisions contained in Part I. of this Act as to the Costs Fund shall not apply to proceedings under this Part of this Act.

#### PART IV - LOCAL REGISTRATION OF TITLE

57 Rules as to registration on exchange of holdings. 57.—(1) Rules may be made under section ninety-four of the Local Registration of Title (Ireland) Act, 1891 (in this Part of this Act called the Act of 1891) regulating the procedure to be adopted in connection with the registration of lands dealt with under the provisions of this Act relating to the exchange of holdings, and prescribing such method of registration and making such adaptation or modifications of any enactment relating to registration as may be required for the purpose of giving effect to the provisions aforesaid. (2) Section ninety-three of the Act of 1891 (which relates to the application of the Insurance Fund) shall not apply to losses arising from anything done in the execution of the provisions aforesaid of this Act, or of the rules made under this section.

58 Power to register lands with a qualified or possessory title. 58.—(1) Where the registration of the ownership of land, the registration of which is compulsory under the Act of 1891, has not been effected, the Land Commission or the Commissioners of Public Works in Ireland may furnish to the Registrar of Titles the prescribed particulars respecting that land and the name of the person appearing to them to be in possession thereof, and the registering authority shall thereupon register that person as the owner of that land with a possessory or qualified title. (2) The first registration of any person as full or limited owner with a possessory title shall have the same effect as the first registration of a person as full or limited owner under the Act of 1891, save that registration with a possessory title shall not affect or prejudice the enforcement of any estate, right or interest adverse to or in derogation of the title of the first registered owner or subsisting or capable of arising at the time of such first

registration. (3) The first registration of any person in full or limited owner with a qualified title shall have the same effect as the first registration of a person as full or limited owner under the Act of 1891, save that registration with a qualified title shall not affect or prejudice the enforcement of any estate, right, or title appearing by the register to be exempted from the effect of registration. (4) The registered owner and such other persons as may be prescribed, may at any time apply to the registering authority to ascertain the full title to the lands, and to enter on the register the burdens thereon and the rights and interest therein, which have not been affected or prejudiced by the registration of the ownership, with a possessory or qualified title, and the registering authority shall thereupon ascertain and enter on the register such burdens, rights and interests, and shall cancel on the register the registration, with qualified or possessory title and thereupon the registration shall have the same effect as registration of a full or limited owner under the Act of 1891. If it is found on the examination of any application that registration with a qualified title only can be effected, registration with such title may be made. (5) Rules under the Act of 1891 may be made for carrying into effect the object of this section and the expression "prescribed" in this section means prescribed by such rules. Office fees shall not be payable for the first registration of any title under this section. (6) The power of the Court or the Land Commission under sub-section (2) of section thirty-four of the Act of 1891, and sub-section (3) of section two of the Ireland Law (Ireland) Act, 1896, to correct errors in the registration of land, and to rectify the register and vesting order or fiat if in their opinion the error can be corrected without injury to any person, shall include power to make such correction and rectification notwithstanding that some person is thereby injured, upon such terms and conditions as appear to the Court or the Land Commission to be equitable, including, if necessary, compensation for such injury.

59 Power to register with a qualified or possessory title land acquired under Labourers Acts. 59.—Where at any time land has been acquired under the Labourers (Ireland) Acts, 1883 to 1919, the registering authority shall, on the application in the prescribed manner by any public body appearing to be in possession thereof, register such public body as the owners of that land with a possessory or qualified title, and the provisions of this Part of this Act as to persons so registered under that section shall apply to registration under this section.

60 Transmission on death of land resold to an owner. 60.—Notwithstanding the provisions of sub-section (6) of section three of the Irish Land Act, 1903, all lands which have been or hereafter shall be resold to the owners thereof under the provisions of that section, or which shall be resold to the owners thereof under this Act, shall be subject to the provisions of Part IV. of the Act of 1891 relating to the devolution of freehold registered land.

61 Registration of a nominated proprietor. 61.—Where the Land Commission nominates a person to be proprietor of a holding under the powers conferred by sub-section (1) (c) of section fifty-four of the Irish Land Act, 1903, such person shall be registered as proprietor of the holding subject to such claims and charges as would affect the estate or interest of the personal representative of the deceased proprietor, and thereupon all persons interested in the holdings may apply to the registering authority in the prescribed manner to have their claims ascertained and registered as charges against the holding.

62 Power of Land commission to resell before registration of their title. 62.—Notwithstanding any provisions to the contrary in the Land Purchase Acts, the Congested Districts Board (Ireland) Acts, or the Act of 1891, contained, the Land Commission may resell any lands vested in them under the Land Purchase Acts, or as successors to the Congested Districts Board for Ireland, without being registered as owners thereof under the Act of 1891.

63 Death of a purchaser before vesting or registration. 63.—(1) A vesting order or fiat shall not be void by reason of the death, before the execution thereof, of the person in whom the lands comprised therein 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 (when raised) of

such person to such uses and upon such trusts as the lands would have stood limited had they been vested in such person immediately prior to his death. (2) The first registration of land the registration of which is compulsory under the Act of 1891 shall be and shall be deemed always to have been a valid entry of the lands on the register under the said Act notwithstanding that the owner was dead at the date of such first registration and the person entitled to the lands on the death of such deceased owner shall be entered on the register as owner on application to the registering authority.

## PART V - GENERAL

64 Prohibition of fixing of judicial rents. 64.—After the passing of this Act no application or agreement to fix a judicial rent under the Land Law (Ireland) Acts in respect of any holding shall be listed for hearing or filed.

65 Prohibition of sub-division and letting. 65.—Where the Land Commission. have after the date of the passing of this Act made any advance for the purchase of a holding or parcel, the proprietor thereof shall not sub-divide or let the holding or parcel without the consent of the Land Commission, and every attempted sub-division or letting in contravention of this provision shall be void as against all persons, and on any such contravention the holding or parcel shall at the option of the Land Commission vest in them. (2) In the case of any holding which is subject to any charges in respect of an annuity in favour of the Board of Works created in pursuance of the Landlord and Tenant (Ireland) Act, 1870, so much of the 44th and 45th sections of the said Act as prohibits, without the consent of the Board, the alienation, assignment, sub-division or sub-letting of a holding charged as in the said sections mentioned and declares that, in the event of such prohibition being contravened, the holdings shall be forfeited to the Board, and also so much of section 2 of the Landlord and Tenant (Ireland) Act, 1872, as relates to the sale of holdings in lieu of forfeiture, shall be repealed and the prohibitions contained in sub-section (1) of this section against sub-division and letting shall henceforth apply to all such holdings as if they had been contained in the said Acts of 1870 and 1872, but only during such time as any part of the annuity charged on such holding remains unpaid. (3) Where the proprietor sub-divides his holding for a limited period by way of family arrangement or for other similar reason the Land Commission from time to time may by general regulations authorise the registering authority to register the person claiming under any instrument executed by the proprietor which creates such temporary sub-division and shall be deemed to have assented to any sub-division to which effect has been given by registration pursuant to such regulations.

66 Consolidation of holdings. 66.—(1) The Land Commission may, with the consent of the registered owner of two or more holdings, subject to purchase annuities, consolidate the holdings and the annuities in accordance with regulations made by the Minister for Finance. (2) In any case where, pursuant to sub-section (3) of section 67 of the Irish Land Act, 1903, a holding subject to a purchase annuity and a portion of land charged with a portion of another purchase annuity are deemed to be one holding, the purchase annuity and the portion of the other purchase annuity shall be deemed to be one purchase annuity and shall be consolidated in accordance with regulations to be made by the Minister for Finance.

67 Power to nominate a representative of a purchaser. 67.—Where a purchase agreement has been entered into or is deemed to have been entered into by a tenant of a holding, and owing to the death or absence of a tenant or otherwise, a difficulty arises in ascertaining in whom the tenancy of the holding is vested, the Land Commission may nominate a person to represent the tenant for the purposes of the sale, and may vest the holding in him accordingly, but the interest so vested shall be a graft upon the interest of the tenant and of the representative in whom the holding is vested, and shall be subject to any rights or equities arising from its being such graft.

68 Persons under disability. 68.—For every person who, for the purposes of this Act, is deemed to have entered into a purchase agreement shall be deemed to have been capable of entering into such agreement notwithstanding infancy or lunacy, or any other disability to which he may have been subject.

69 Advances to trustees for the purpose of tillage. 69.—The provisions of sections 4 and 20 of the Irish Land Act, 1903, and of Section 18 of the Irish Land Act, 1909, shall be extended so as to include tillage as one of the purposes for which advances may be made under those sections and it shall be lawful for the Minister for Agriculture to amend and frame schemes so as to include this purpose. (2) So much of section 20 of the Irish Land Act, 1903, as requires provisions for appeal, to the Lord Lieutenant to be inserted in any such scheme and so much of any scheme as provided for such appeals shall cease to have effect, and the other powers declared in the said sections to be exercisable by the Lord Lieutenant and the Department of Agriculture shall be exercised by the Minister for Agriculture in the case of all existing scheme as well as in the case of future advances and schemes. (3) Any person aggrieved by any act or omission of any trustee in carrying into effect a scheme for the user of land framed or approved under section 20 of the Irish Land Act, 1903, may take proceedings in the County Court by way of equity civil bill for the execution of the trusts of the scheme, and the jurisdiction of the County Court shall extend to any such proceedings notwithstanding that the land subject to the trusts exceeds thirty pounds in annual value. (4) It shall be lawful for a County Borough Council or an Urban District Council or Town Commissioners to purchase any parcel of land under section 4 of the Irish Land Act, 1903, for any of the purposes mentioned in that, section as extended by sub-section (1) of this section, save for the purposes of the Labourers (Ireland) Acts, 1883 to 1896, and any such Council or Town Commissioners may act as trustees for those purposes and may obtain advances for the purchase, and the provisions of section 18 of the Irish Land Act, 1909, shall apply to any such purchase as if County Borough Councils, Urban Councils and Town Commissioners were mentioned in that section. The amounts required for payment of the instalments of the purchase annuity for lands purchased by a County Borough Council or an Urban Council under this section shall be defrayed out of the poor-rate, and for lands purchased by Town Commissioners under this section out of the town rate.

70 Appointed day. 70.—For the purposes of this Act the appointed day shall be such day or days as may be fixed by the Land Commission and different days may be fixed for different provisions and different purposes of this Act and for different holdings or groups of holdings and different parcels or groups of parcels of untenanted land.

71 Certain provisions of previous enactments to cease to have effect. 71.—(1)After the passing of this Act, sub-section (3) of section 72 of the Irish Land Act, 1903, sub-section (1) of section 29, and sub-section (3) of section 30 of the Irish Land Act, 1909, in respect of improvements effected by the Congested Districts Board or the Land Commission, shall cease to have effect (2) After the passing of this Act the provisions of sub-section (8) of section 36 and sub-section (2) of section 72 of the Irish Land Act, 1903, in so far as they relate to the payments on account of sinking fund after the expiration of five years from the vesting of land in the Land Commission or the purchase of land by the Congested Districts Board shall cease to have effect as regards land purchased by the Land Commission or the Congested Districts Board under any Act prior to this Act.

72 Powers of the Board of Works to apportion annuities. 72.—The powers for the apportionment of an annuity or the discharge of portion of a holding from liability in respect of an annuity conferred on the Land Commission by sub-section (3) of section 38 of the Land Law (Ireland) Act, 1896, as extended by sub-section (1) of section 67 of the Irish Land Act, 1903, may be exercised by the Commissioners of Public Works as regards an annuity charged on a holding in repayment of an advance made by the said Commissioners for the purpose of the purchase thereof pursuant to the Landlord and Tenant (Ireland) Act, 1870.

73 Definitions. 73.—(1) In this Act, unless the context otherwise requires, the expression "subsequent purchase agreements" mean agreements entered into or deemed to have been entered into by or with the Land Commission on or after the date of the passing of this Act: Provided that purchase agreements entered into at any time on the resale by the Land Commission of land purchased or agreed to be purchased, by the Irish Land Commission or the Congested Districts Board for Ireland, before the date of the passing of this Act, shall be treated as purchase agreement entered into before the date of the passing of this Act and not as subsequent purchase agreements. (2) The expression "tenanted land" means land held under any contract of tenancy other than a fee farm grant, or lease renewable for ever for lives or years or lease for a term of years of which sixty or more are unexpired at the date of the passing of this Act, or a letting for the purpose of temporary depasturage, agistment or conacre, or for temporary convenience, or to meet a temporary necessity, and the expression "untenanted land" shall be construed accordingly: Provided that where land has become tenanted land as above defined by reason of a contract of tenancy not being a renewal of a previous tenancy entered into on or after the first day of September nineteen hundred and twenty-two, then:— ( a ) if the holding is in a congested districts county, the tenancy shall, if the Land Commission before the appointed day so declare, be deemed void as against the Land Commission and the holding shall vest in the Land Commission as untenanted land, and there shall be payable to the tenant such compensation as the Judicial Commissioner may declare him entitled to in respect of any sums he may have expended on improvements. Such compensation shall be payable in 4½ per cent. Land Bonds; and ( b ) if the holding is situate elsewhere, the land shall be treated as tenanted land for the purpose of the provisions of this Act vesting tenanted land in the Land Commission save as to the price thereof, but shall not be sold under this Act to the tenant unless the Land Commission certify that the creation of the tenancy was in the interests of the country. If the Land Commission so certify the price shall be ascertained as if the land was tenanted land, but if the Land Commission do not so certify the price shall be ascertained as if the land was untenanted land. (3) The expression "the Land Purchase Acts" shall have the same meaning as in the Irish Land Act, 1909, save that it shall, where the context so admits, include any subsequent Act now in force which is by its terms to be construed as one with the Land Purchase Acts and this Act, and the expression "the Land Law Acts" and "the Congested Districts Board (Ireland) Acts" shall have the same meaning as in the Irish Land Act, 1909. (4) The expression "relieving congestion" means the provision of land for the relief of a person or persons having an uneconomic holding or uneconomic holdings or for a person or persons whose holding or holdings has or have been acquired for the relief of persons having uneconomic holdings.

74 Power to Executive Council to adapt enactments. 74.—For the purpose of carrying this Act into effect the Executive Council may by Order make such adaptations of any Land Purchase in Ireland passed prior to enactment relative to the passing of this Act as appear to them to be necessary or proper, including such adaptations of enactments applicable to sales of estates as may be necessary to make the same applicable to sales of holdings or of parcels of untenanted land.

75 Removal of difficulties. 75.—If any difficulty arises in determining the land which by virtue of this Act is vested in the Land Commission, or otherwise for carrying this Act into effect, the Executive Council may, by Order, authorise the Land Commission to take all such steps and do all such things as may appear to them necessary or expedient for carrying, this Act into effect, and any such Order shall have effect, and as if enacted in this Act.

76 Power to make rules. 76.—The Land Commission may, after consultation with the President of the Incorporated Law Society of Ireland, make rules for carrying into effect the provisions of this Act, and the term "prescribed" in this Act means, unless the context otherwise requires, prescribed by rules made under this section: Provided always that any Rules of Court made to carry out the provisions of this Act, in so far as they concern the relief

of congestion, shall be laid before each House of the Oireachtas, and if either House shall, within twenty-one days of such Rules of Court being tabled, pass a resolution annulling such Rules of Court, such Rules of Court shall be annulled, but such annulments shall not prejudice or invalidate any matter or thing previously done under such Rules of Court.

77 Provision of moneys for carrying this Act into effect. 77.—All moneys required by the Land Commission for exercising its powers under this Act or otherwise for carrying this Act into effect shall (save in so far as such moneys are otherwise specifically provided for by this Act) to such extent as may be approved by the Minister for Finance be paid out of moneys provided by the Oireachtas.

78 Repeals. 78.—The Acts specified in the second schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

79 Short Title and Construction. 79.—This Act may be cited as the Land Act, 1923, and shall be construed as one with the Land Law Acts, the Land Purchase Acts, and the Congested Districts Board (Ireland) Acts, and may be cited with those Acts,

FIRST SCHEDULE STANDARD PURCHASE ANNUITY. PART I Holdings subject to Judicial Rents The standard purchase annuity shall in the case of each holding be an annuity of an amount equivalent to a percentage of the judicial rent payable in respect of the holding, namely, ( a ) in the case of rents fixed before the 16th August, 1911 65 per cent. ( b ) in the case of rents fixed after the 15th August, 1911 70 per cent. Provided that in the case of a holding subject to a judicial rent fixed by agreement on the reinstatement therein of a tenant, who or whose predecessor in title had been evicted therefrom, the standard purchase annuity shall, on the application of either the landlord or the tenant made within the prescribed time and in the prescribed manner, be fixed in accordance with the provisions of Part. II. of this schedule as if the rent were a non-judicial rent. PART II Holdings subject to rents other than Judicial Rents, 1. The standard purchase annuity in the case of every holding to which this part of this schedule applies— ( a ) where the landlord and tenant so agree in the prescribed manner and within the prescribed time shall be the amount so agreed upon; and ( b ) where the landlord and tenant do not agree shall be such amount as shall be fixed by the Land Commission (other than the Judicial Commissioner), subject to an appeal to the Judicial Commissioner whose decision shall be final. 2. The annuity shall be fixed by the Land Commission on the report of their Inspector and without hearing in Court, regard being had to the nature and situation of the holding, the date of the commencement of the tenancy, the rent payable there under, and all the circumstances of the case. 3. This part of this schedule applies to every holding which ( a ) at the date of the passing of this Act is subject to a rent other than a judicial rent, and ( b ) vests, or will vest, as tenanted land in the Land Commission under this Act.

SECOND SCHEDULE Session and Chapter.Short Title.Extent of Repeal.54 & 5; 5 Vic. Cap. 48The Purchase of Land (Ireland) Act, 1981Section 37, sub-section (3).3 Ed. VII. Cap. 23The Ireland Development Grant Act 1903.The whole Act.3 Ed. VII. Cap. 37The Irish Land Act, 1903Section 49, the words "or any purchaser from them." Section 53. Section 54, sub-section (1) ( c ) the words "or vested in more than one person" and sub-sections (2),(3) and (4). Section 56, sub-section (3).6 Ed. VII. Cap. 37Labourers (Ireland) Act 1906. Section 19. From the words "Provided that" to end of Section.7 Ed. VII. Cap 38The Irish Land Act, 1907Section 2.7 Ed VII. Cap. 56The Evicted Tenants (Ireland) Act, 1907Section 3.9 Ed. VII. Cap. 42The Irish Land Act, 1909.Section 16, sub-section (1)