

# LAND ACT 1946

## LONG TITLE

An Act to amend and extend the Land Purchase Acts. [11th June, 1946.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

1 The operative date.

SECT 1.—In this Act, the expression "the operative date" means the date of the passing of this Act.

2 Obligation on allottees of holding and parcels to reside thereon.

SECT 2.—Where a holding or parcel of land— ( a ) either— was allotted to, but not vested in, a purchaser before the operative date, or is allotted to a purchaser on or after the operative date, and ( b ) the holding or parcel includes a dwellinghouse (whether the dwellinghouse was built before or after or partly before and partly after the allotment of the holding or parcel), the following provisions shall have effect— (i) the Land Commission may, whenever and so often as they think fit, give a direction to the purchaser to reside continuously to their satisfaction in the dwellinghouse, as on and from such date (not being less than three months after the date of the direction) as the Land Commission think fit and specify in the direction until the holding or parcel is vested in him; (ii) the Land Commission may at any time revoke any direction given to the purchaser under this section; (iii) where a direction given to the purchaser under this section is in force and the Land Commission give another direction to the purchaser under this section, the first-mentioned direction shall there upon, by virtue of this paragraph, be revoked; (iv) if the purchaser fails to comply with any direction, given to him under this section and for the time being in force, the Land Commission may, if they think fit, demand and recover possession of the holding or parcel on which the dwellinghouse is situate and any other holding or parcel allotted to the purchaser in conjunction with, or for the enlargement of, the first-mentioned holding or parcel, freed and discharged from any claim by the purchaser; (v) a certificate under the common seal of the Land Commission certifying that a direction under this section was given to the purchaser, that the direction has not been revoked and that the purchaser has failed to comply with the direction shall be conclusive evidence for all purposes of the facts so certified.

3 Construction of conditions against sub-letting etc.

SECT 3.—Where— ( a ) an agreement or undertaking to purchase a holding or parcel of land from the Land Commission, whether entered into before, on or after the operative date, contains a condition whereby the purchaser agrees not to sublet or part with possession of the holding or parcel or any part thereof until the holding or parcel is vested in him, and ( b ) the purchaser makes, on or after the operative date and before the holding or parcel is vested in him, a letting in conacre or for the purposes of agistment or for the temporary depasturage or meadowing of the holding or parcel or any part thereof, the making of the letting shall constitute a breach of the said condition.

4 Evidence of breach of conditions as to working holding or parcel.

SECT 4.—Where an agreement or undertaking to purchase a holding or parcel of land from the Land Commission, whether entered into before, on or after the operative date, contains a condition whereby the purchaser agrees to work the holding or parcel in accordance with proper methods of husbandry to the satisfaction of the Land Commission, a certificate under

the common seal of the Land Commission certifying that the purchaser has not so worked the holding or parcel shall be prima facie evidence for all purposes of the fact so certified.

#### 5 Interest in parcel of untenanted land under agreement or undertaking to purchase.

SECT 5.—(1) Where a person enters or is deemed to enter into an agreement or an undertaking to purchase from the Land Commission the fee simple of a parcel of untenanted land, and the parcel was not, at the date on which the said agreement or undertaking was entered into or deemed to have been entered into, subject to the provisions of Part IV of the Registration of Title Act, 1891, then, notwithstanding any rule of law, the interest in the parcel created by the agreement or undertaking shall, for the purposes of devolution on death, be deemed to be a chattel real. (2) This section shall apply with respect to agreements and undertakings to purchase parcels of untenanted land made or deemed to have been made and deaths which occurred before the passing of this Act in like manner as it applies with respect to any such agreements and undertakings made or deemed to have been made and deaths occurring after the passing of this Act. (3) Where, before the passing of this Act, an interest in a parcel of untenanted land to which this section applies was treated by the persons claiming to be interested therein as realty for the purposes of devolution on death, then, nothing in subsection (1) or subsection (2) of this section shall affect any right acquired or intended to be conferred by reason or in consequence of the interest having been so treated.

#### 6 Restrictions on dealing with holdings and parcels provided for the enlargement of holdings.

SECT 6.—(1) Where a holding or parcel of land (in this section referred to as the additional land) is at any time provided, whether before or after the passing of the Land Act, 1939 (No. 26 of 1939), for a purchaser for the enlargement of the holding (in this section referred to as the original holding) purchased or agreed to be purchased by him or any of his predecessors in title and the additional land has not been consolidated with the original holding, it shall not be lawful for the purchaser (whether the additional land and the original holding are or are not or either of them is or is not vested in him) to assign, transfer, sub-let, or sub-divide, without the consent of the Land Commission, the original holding or the additional land. (2) Every assignment, transfer, sub-letting or sub-division in contravention of subsection (1) of this section shall be void.

#### 7 Devolution of holdings and parcels provided for enlargement of holdings.

SECT 7.—Where— ( a ) a holding or parcel of land (in this section referred to as the additional land) is at any time provided (whether before or after the passing of the Land Act, 1939 (No. 26 of 1939)) for a purchaser for the enlargement of the holding (in this section referred to as the original holding) purchased or agreed to be purchased by him or any of his predecessors in title, and ( b ) the additional land has not been consolidated with the original holding, and ( c ) the original holding and the additional land would, but for this section, devolve, on any death occurring on or after the operative date and before such consolidation, on different persons, then, by virtue of this section, the additional land shall on such death devolve on the person on whom the original holding devolves and for the same estate or interest and subject to the same incumbrances, charges and equities, and also, in case the additional land is not at such death vested in the purchaser, subject to the provisions of the undertaking or agreement to purchase relating to the additional land.

#### 8 Repeals.

SECT 8.—The enactment mentioned in the second column of the Schedule to this Act is hereby repealed to the extent specified in the third column of the said Schedule.

#### 9 Short title, construction and citation.

SECT 9.—(1) This Act may be cited as the Land Act, 1946. (2) This Act shall be construed as one with the Land Purchase Acts and may be cited with those Acts. Section 8.

SCHEDULE ENACTMENT REPEALED.

Number and Year	Short Title	Extent of Repeal
No. 26 of 1939	Land Act, 1939	Sections 19 and 23