

LAND ACT 1950

LONG TITLE

An act to amend and extend the Land Purchase Acts. [19th June, 1950.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

1 Short title construction and citation.

SECT 1.—(1) This Act may be cited as the Land Act, 1950. (2) This Act shall be construed as one with the Land Purchase Acts and may be cited with those Acts.

2 The Minister.

SECT 2.—In this Act the expression "the Minister" means the Minister for Lands.

3 Rules and regulations.

SECT 3.—(1) The power of making rules conferred by subsections (1) and (2) of section 3 of the Land Act, 1933 (No. 38 of 1933), shall extend to and be exercisable for making rules for carrying into effect the provisions (other than provisions relating to land purchase finance) of this Act. (2) The Minister for Finance may make rules and regulations for carrying into effect the provisions of this Act relating to land purchase finance, and may by such rules or regulations adapt to the requirements of this Act any provisions relating to land purchase finance contained in any Act passed before this Act. (3) In this Act the word "prescribed" means prescribed by the appropriate rules or regulations authorised by this section.

4 Payments and Expenses.

SECT 4.—The payments made and expenses incurred by the Minister and by the Land Commission in giving effect to this Act and in the administration thereof shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

5 Price of land.

SECT 5.—(1) The following provisions shall have effect where the price of land is fixed after the passing of this Act under subsection (2) of section 25 of the Land Act, 1923:— (a) the said subsection shall have effect with the substitution of the words "the amount to be so fixed shall be an amount equal to the market value of the land" for the words "in fixing such sum regard shall be had to the fair value of the land to the Land Commission and the owner respectively", (b) where in the opinion of the Lay Commissioners or the Appeal Tribunal (as the case may be) it would be inequitable that the Land Commission should acquire the land for a price fixed on the basis of market value, the Lay Commissioners or the Appeal Tribunal (as the case may be) in fixing the price may include therein compensation to the owner for disturbance, and may also include therein, if satisfied that damage will be sustained by the owner by reason of the acquisition of the land as affecting his user of other land or otherwise causing injury to such other land, compensation for that damage. (2) Where— (a) the price of untenanted land acquired or purchased by the Land Commission was determined before the passing of this Act whether by agreement or by the fixing thereof under subsection (2) of section 25 of the Land Act, 1923, and (b) the Land Commission took possession of the land on or after the 1st day of December, 1949, and before the passing of this Act or take

possession of the land after the passing of this Act, the following provisions shall have effect: (i) application may be made to the Land Commission within six months after the passing of this Act for redetermination of the price of the land, (ii) on such application being duly made, the price of the land shall again be determined and shall be determined either by agreement or, in default of agreement, by the fixing of the price (as at the date of the previous determination of the price) under subsection (2) of section 25 of the Land Act, 1923, and subsection (1) of this section, (iii) if the price so determined is greater than the price previously determined, it shall have effect in lieu of the latter price, (iv) the Land Commission shall, where appropriate, make an additional advance and issue additional land bonds (bearing the same rate of interest as the land bonds already issued or decided to be issued) for the purchase of the land, and thereupon there shall be payable by the Land Commission, to the person entitled to the receipt of the rents and profits of the land immediately before possession thereof was or is taken by the Land Commission, a sum equal to interest (less income tax) on the additional land bonds so issued from the date on which the land vested in the Land Commission or the date on which the Land Commission obtain possession of the land (whichever is the later) to the date of the issue of the additional land bonds and that sum shall be in lieu of such (if any) interest as may be appropriate under subsection (1) of section 2 of the Land Act, 1923, (v) the agreement or fixing of the price by virtue of this subsection shall not be regarded for the purposes of subsection (1) of section 8 of this Act as having occurred after the passing of this Act.

6 Acquisition or resumption price where possession of land was taken under Article 38 of Emergency Powers Order, 1939.

SECT 6.—Where— (a) possession has, whether before or after the passing of this Act, been taken of any land under Article 38 of the Emergency Powers Order, 1939 (S. R. & O. No. 224 of 1939), and (b) the value of the land has been increased by any works carried out on the land at the cost of a Minister of State, the former Turf Development Board Limited, or Bord na Móna during the period for which possession of the land was retained under the said Article 38, and (c) the land is, within five years after possession thereof under the said Article 38 has been terminated, acquired or resumed under the Land Purchase Acts, then, in fixing the price or compensation on the acquisition or resumption under those Acts and notwithstanding any other provision of this or any other Act, no account shall be taken of, or compensation allowed in respect of, any such increase in value.

7 Acquisition or resumption price where land or right was acquired or exercised under Emergency Powers (No. 310) Order, 1944.

SECT 7.—Where— (a) any land or right in respect thereof has, whether before or after the passing of this Act, been acquired or exercised by any person pursuant to the Emergency Powers (No. 310) Order, 1944 (S. R. & O., No. 51 of 1944), and (b) the value of the land or right has been increased by any works carried out on the land at the cost of such person, a licensee of such person or a Minister of State during the period for which the land or right was acquired or exercised, and (c) the land is, within five years after the termination of the acquisition or exercise, acquired or resumed under the Land Purchase Acts, then, in fixing the price or compensation on the acquisition or resumption under those Acts and notwithstanding any other provision of this or any other Act, no account shall be taken of, or compensation allowed in respect of, any such increase in value.

8 Cesser of redemption of purchase annuities in certain cases.

SECT 8.—(1) In any case in which the price of land purchased or acquired by the Land Commission is agreed upon or fixed after the passing of this Act, the following provisions shall have effect if section 14 of the Land Act, 1923, and subsection (1) of section 6 of the Land Act, 1936, would, apart from this subsection, apply in relation to such case: (a) that

section and subsection shall not so apply, (b) where a funding annuity is charged on the land— (i) the funding annuity shall be redeemed out of the purchase money of the land by the sale of sufficient of the land bonds representing such purchase money to pay the redemption price of the funding annuity, and (ii) the redemption price of the funding annuity shall be ascertained in accordance with section 22 of the Land Act, 1933, (c) where any sum whatsoever is or becomes due to the Land Commission in relation to the land, in respect of any period ending on or before the day on which the Land Commission obtain possession of the land, that sum (including costs and expenses, if any, properly incurred in seeking the recovery thereof) shall be regarded and dealt with as a claim attaching to the purchase money of the land. For the purposes of this paragraph, where any purchase annuity, annual sum or other payment is payable under the Land Purchase Acts in respect of the land and the date on which the Land Commission obtain possession of the land is not a gale day, such purchase annuity, annual sum or other payment shall be apportioned up to that date and shall be deemed to have accrued from day to day. (2) So much of section 56 of the Land Act, 1927, as follows after the words "the original advance has been redeemed" shall not apply in any case in which the agreement mentioned in that section is entered into after the passing of this Act.

9 Redemption of reclamation annuities.

SECT 9.—Where any land, being land on which a reclamation annuity under the Land Reclamation Act, 1949 (No. 25 of 1949), is charged, is acquired, resumed or purchased (otherwise than by means of a purchase under section 27 of this Act) by the Land Commission, the following provisions shall have effect notwithstanding any other provision of this or any other enactment:— (a) the reclamation annuity shall, whether it does or does not stand consolidated with a purchase annuity in accordance with subsection (4) of section 3 of the said Act, be redeemed out of the purchase money of the land or the resumption price (as may be appropriate); (b) if such purchase money or resumption price is payable in land bonds, the redemption shall be effected by the sale of sufficient of the land bonds representing such purchase money or resumption price to pay the redemption price of the reclamation annuity.

10 Advances for purchase of lands in certain cases.

SECT 10.—(1) Where any land which is subject to a purchase annuity or an annual sum equivalent to a purchase annuity is acquired or purchased by or vested in the Land Commission, the Land Commission may, notwithstanding anything contained in subsection (4) of section 9 of the Purchase of Land (Ireland) Act, 1891, make an advance to a purchaser of such land or any part thereof. (2) An advance made in pursuance of this section shall be repaid by means of a purchase annuity calculated at the prescribed rate, and such purchase annuity shall be consolidated (in accordance with the prescribed provisions) so far as circumstances admit with the existing purchase annuity (if any) or the appropriate apportioned part thereof. (3) A purchase annuity in repayment of an advance made under this section or so much of a consolidated purchase annuity as is attributable to an advance made under this section shall be disposed of in such manner as the Minister for Finance shall direct. (4) The Land Commission shall have for the recovery of any payment due by any purchaser referred to in subsection (1) of this section the same remedies as they have for the recovery of unpaid instalments of purchase annuities.

11 Cesser of certain payments.

SECT 11.—(1) Where— (a) land stands acquired by, purchased by, transferred to or vested in the Land Commission, (b) the land is subject to a payment to the Land Commission or the Commissioners of Public Works in Ireland, and (c) the Land Commission, with the consent (whether general or particular) of the Minister for Finance, direct that the payment shall cease as on and from a specified day, the payment shall cease as on and from the day so specified

and the land shall stand discharged therefrom accordingly. (2) Where a direction is given under subsection (1) of this section the payment to which the direction relates shall, where appropriate, be apportioned up to the day specified in the direction and shall be considered as accruing from day to day for the purposes of this provision. (3) A deficiency in the local loans fund, purchase annuities fund or land bond fund arising out of the cesser under subsection (1) of this section of any payment shall not be a charge on the guarantee fund. (4) A deficiency in any account or fund (other than the purchase annuities fund) arising out of the cesser under subsection (1) of this section of any payment shall be made good to the account or fund out of moneys provided by the Oireachtas at such times and in such manner as the Minister for Finance directs. (5) Where— (a) land has been discharged under subsection (1) of this section from any payment, and (b) any annuity or annual sum is subsequently set up in respect of the land, any payments made to the Land Commission in respect of such annuity or annual sum shall be applied in such manner as the Minister for Finance shall direct.

12 Exercise of powers by the Minister, etc.

SECT 12.—(1) The following matters shall be excepted matters for the purposes of this section:— (a) the determination of the persons from whom land is to be acquired or resumed; (b) the determination of the actual lands to be acquired or resumed; (c) the determination of the price to be paid for land so acquired or resumed; (d) the determination (other than any determination arising in or being part of a re-arrangement scheme) of the persons to be selected as allottees of any land; (e) the determination (other than any determination arising in or being part of a re-arrangement scheme) of the price at which land is to be sold to any such allottee; (f) the determination whether a tenant or proprietor would be or would not be entitled to require the Land Commission to resume or acquire the whole of his lands and provide him with a new holding and the determination of the new holding to be provided for a tenant or proprietor whose land is resumed or acquired by the Land Commission; (g) the determination whether or not a holding has been used by the tenant or proprietor thereof as an ordinary farm in accordance with proper methods of husbandry; (h) the determination of the amount of any standard purchase annuity; (i) the determination whether any particular holding of tenanted land or parcel of untenanted land shall vest in the Land Commission on the appointed day; (j) the determination of the sporting rights, fishing rights and fisheries to be vested in the Land Commission, the prices to be paid for them, the persons to whom the fishing rights and fisheries are to be resold and the prices to be charged for them; (k) the determination of the easements and rights to be conferred, defined, extended or extinguished and any questions of compensation relating thereto; (l) the determination of the bogs for which turbary regulations are to be made and the making of the regulations; (m) the determination of the highest offer to be made by the Land Commission in the case of a proposed purchase under section 27 of this Act; (n) the determination whether or not a gratuity is to be paid under section 29 of this Act and, if it is to be paid, the amount thereof. In this subsection, the expression "re-arrangement scheme" means a scheme for the re-arrangement of lands held in rundale or intermixed plots whether with or without the distribution of other lands to facilitate the said re-arrangement, such other lands being either adjoining any of the lands held in rundale or intermixed plots or not more distant than three miles from any of such rundale lands or such intermixed plots. (2) Any power or duty for the time being vested by law (including this Act) in the Land Commission or the Lay Commissioners may, save in relation to excepted matters, be exercised or performed by— (a) the Minister, or (b) any officer of the Minister or the Land Commission for the time being authorised, whether specifically or by reference to a class of such officers, in that behalf by the Minister. (3) The Land Commission, in the exercise and performance by the Land Commission of the powers and duties for the time being vested in it by law (including this Act), and the Lay Commissioners, in the exercise and performance by the Lay Commissioners of the powers and duties for the time being specifically vested in them by law (including this Act), shall, save in relation to excepted matters, act under and in accordance with the directions, whether general or particular, of the Minister, and the Minister shall have and may

exercise, if and so far as he shall think proper, full and unrestricted power of regulating and controlling every and any exercise or performance by the Land Commission or the Lay Commissioners (as the case may be) of any such power or duty not relating to an excepted matter and also power of reserving to himself rights of approval and disapproval or of reconsideration, revision and confirmation of every or any act done by the Land Commission or the Lay Commissioners not relating to an excepted matter or done by any officer in the exercise or performance by virtue of subsection (2) of this section of any power or duty. (4) All powers and duties for the time being vested by law (including this Act) in the Land Commission or the Lay Commissioners in relation to an excepted matter shall be exercised and performed in all respects as if this section and section 6 of the Land Act, 1933, had not been enacted, save that— (a) any appeal which may lie by law from the determination of an excepted matter shall lie to the Appeal Tribunal, and (b) the Minister may, whenever and so far as he thinks proper, arrange by reference to the class or classes of case or the county or counties in which the land concerned is situate the distribution amongst the Lay Commissioners of their work in relation to the excepted matters, but not so as to allocate any particular case or land to any particular Lay Commissioners. (5) Where the Minister or an officer exercises or performs by virtue of subsection (2) of this section any power or duty, he may exercise or perform the power or duty— (a) in his own name, or (b) in the name of the Land Commission or the Lay Commissioners. (6) Where a power or duty is exercised or performed by virtue of subsection (2) of this section by the Minister or an officer, the exercise or performance of the power or duty, and any thing done in such exercise or performance, shall be as valid and effectual as if the exercise or performance of the power or duty or the doing of the thing were by (as may be appropriate) the Land Commission, the Lay Commissioners or, where the power or duty may be exercised or performed or the thing may be done by a particular number of Lay Commissioners (including one Lay Commissioner acting alone), by that number of Lay Commissioners, and, in particular, shall not be open to challenge or question by objection, appeal or otherwise on the ground of absence of concurrence in, consent to or cognisance of the exercise or performance of the power or duty, or the doing of the thing, whether on the part of the Land Commission, the Lay Commissioners or any of them, or of any other person. (7) A certificate, sealed with the seal of the Minister, certifying that a power or duty for the time being vested by law (including this Act) in the Land Commission or the Lay Commissioners was exercised or performed by the Minister or by an officer authorised pursuant to this section by the Minister, or that a thing was done in such exercise or performance, shall be prima facie evidence of the matters certified thereby. (8) The following provisions shall have effect in relation to schemes for the re-arrangement of lands held in rundale, or intermixed plots whether with or without the distribution of other lands to facilitate the said re-arrangement:— (a) no such scheme shall be approved by virtue of subsection (2) of this section save by an officer; (b) the Minister shall not authorise pursuant to that subsection an officer to approve any such scheme unless the officer is an officer of the Land Commission and not below the rank of Senior Inspector. (9) Where— (a) a power or duty is exercised or performed by virtue of subsection (2) of this section by the Minister or an officer, and (b) in exercising or performing the power or duty, it becomes requisite that any document should be sealed with the common seal of the Land Commission, the Minister or such officer (as the case may be) may cause the document to be sealed as aforesaid. (10) Without prejudice to paragraph (a) of subsection (4) of this section, nothing in the foregoing subsections of this section shall apply to the Judicial Commissioner or to the Appeal Tribunal or give the Minister any power or control of any kind over or in relation to the exercise of the functions of the Judicial Commissioner or of the Appeal Tribunal. (11) Section 6 of the Land Act, 1933, is hereby repealed.

13 Quorum of Lay Commissioners.

SECT 13.—(1) Subject to the restriction imposed by subsection (2) of this section, the Minister shall have power to direct the number of Lay Commissioners whose concurrence is necessary for the exercise or performance of any such power or duty as is mentioned in

subsections (3) and (4) of section 12 of this Act or for the doing of any other thing and, in particular, power to direct that any such power or duty may be exercised or performed or any such thing may be done by one Lay Commissioner acting alone. (2) The power conferred by subsection (1) of this section on the Minister shall be subject to the overriding restriction that the concurrence of at least two Lay Commissioners shall be necessary for the doing of any thing which is an excepted matter for the purposes of section 12 of this Act. (3) No exercise or performance of any such power or duty as is mentioned in subsection (3) or subsection (4) of section 12 of this Act and no other thing done after the passing of this Act shall, if such power or duty is exercised or performed or such thing is done with the concurrence of the number of Lay Commissioners specified in that behalf in a direction given or deemed to be given by the Minister under this section or, where the Minister has lawfully so directed, by one Lay Commissioner acting alone, be open to challenge or question by objection, appeal, or otherwise on the ground that a sufficient number of Lay Commissioners did not concur in such exercise or performance or in the doing of such thing. (4) Where a decision is made or given by a majority of the Lay Commissioners concerned therein, the dissenting minority of such Lay Commissioners shall be deemed, for the purposes of the foregoing subsections of this section to concur in such decision, and the words "concur" and "concurrence" shall in those subsections of this section be construed accordingly. (5) Subsections (2), (3) and (4) of section 14 of the Land Act, 1939, are hereby repealed, but— (a) any direction given under subsection (2) of that section and in force immediately before the passing of this Act shall be deemed to be a direction given under subsection (1) of this section and shall have effect accordingly, and (b) subsection (4) of that section shall continue to have effect in relation to the exercise or performance of any power or duty, or the doing of any thing, such as is referred to in the said subsection and which occurred before the passing of this Act. (6) A direction given or deemed to be given under this section may be revoked or varied by a subsequent direction given, by the Minister. (7) Nothing in this section or in any direction given or deemed to be given thereunder shall be construed as rendering necessary the concurrence of any Lay Commissioners or Lay Commissioner where any power or duty is exercised or performed by virtue of subsection (2) of section 12 of this Act by the Minister or an officer, or where any thing is done in such exercise or performance.

14 Change in constitution of Appeal Tribunal.

SECT 14.—(1) The Minister, after consultation with the Judicial Commissioner, may by order appoint a day to be the appointed day for the purposes of this section and the day so appointed shall be a day not earlier than two months after the day on which such order is made. (2) On and after the appointed day, the following provisions shall have effect:— (a) the Appeal Tribunal shall consist of the Judicial Commissioner only; (b) section 7 of the Land Act, 1933, shall stand amended— (i) by the deletion in subsection (1) of the words "and two Lay Commissioners nominated for the purpose by the Executive Council", and (ii) by the deletion of subsections (2), (3), (4) and (5); (c) the expression "Lay Commissioners (other than the members of the Appeal Tribunal)", wherever it occurs in the Land Act, 1936, or the Land Act, 1939, shall stand amended by the deletion of the words "(other than the members of the Appeal Tribunal)". (3) Where a Lay Commissioner has, consequent on the foregoing provisions of this section, ceased to be a member of the Appeal Tribunal, he shall, subject to section 16 of this Act, hold his office as a Lay Commissioner by the same tenure as a Judge of the Circuit Court holds his office as such Judge.

15 Cesser of office of future Lay Commissioners.

SECT 15.—Where— (a) a person who is appointed after the passing of this Act to be a Lay Commissioner attains the age of sixty-five years, and (b) he holds office as a Lay Commissioner on the day on which he attains that age, he shall, notwithstanding any other enactment, cease to hold that office at the end of that day.

16 Cesser of office of existing Lay Commissioners.

SECT 16.—(1) Subsection (2) of this section applies to a person who immediately before the passing of this Act— (a) held office as a Lay Commissioner, and (b) was less than seventy-one years of age, whether he was or was not then a member of the Appeal Tribunal. (2) Where— (a) a person to whom this subsection applies attains the age of seventy-two years, and (b) he holds office as a Lay Commissioner on the day on which he attains that age, he shall cease to hold that office at the end of that day. (3) Subsection (4) of this section applies to a person who immediately before the passing of this Act— (a) held office as a Lay Commissioner (whether he was or was not formerly a member of the Appeal Tribunal), and (b) was not less than seventy-one years of age. (4) Where a person to whom this subsection applies holds office as a Lay Commissioner on the twenty-eighth day after the day on which this Act is passed, he shall cease to hold that office at the end of that day. (5) The Minister for Finance may pay, out of moneys provided by the Oireachtas, to a person who ceases under subsection (4) of this section to hold office, such compensation in respect of cesser of office as the Minister for Finance, after consultation with the Minister, considers reasonable. (6) This section shall have effect notwithstanding any other enactment.

17 Maximum number of Lay Commissioners.

SECT 17.—On and after the twenty-ninth day after the passing of this Act, the maximum number of Lay Commissioners shall be four.

18 Acting Lay Commissioner.

SECT 18.—Where the Government is satisfied that a Lay Commissioner is temporarily unable on account of illness, absence on vacation or other sufficient reason to discharge his duties as a Lay Commissioner, the Government may, notwithstanding section 17 of this Act, appoint a person to act as a Lay Commissioner during such temporary inability.

19 Amendment and extension of section 39 of Land Act, 1923.

SECT 19.—(1) Where a holding has at any time been vested in a purchaser under the Land Purchase Acts subject, in conjunction with any other land or any incorporeal hereditament or any other land and any incorporeal hereditament, to a superior interest or charge (including a charge to which section 39 of the Land Act, 1923, is deemed, by virtue of section 45 of the Land Act, 1939, or that section as amended by this Act, to apply), section 39 of the Land Act, 1923, shall apply for the purposes of the redemption of the superior interest or charge or of any interest superior thereto or so much thereof as may be apportioned to the holding. The Judicial Commissioner shall have power to make the said apportionment and, if he so thinks proper, he may exclusively charge the whole of the superior interest or charge or any interest superior thereto on the holding. (2) A copy of an apportionment order made pursuant to subsection (1) of this section shall be transmitted to the registering authority under the Registration of Title Acts, 1891 and 1942, and, on receipt thereof, the said registering authority shall cause the appropriate particulars to be registered under those Acts. (3) No fee shall be payable in respect of any proceedings in the Land Registry under subsection (2) of this section. (4) In any application under section 39 of the Land Act, 1923, or that section as extended by any other Act (including this Act), where the amount actually paid by the applicant is not the same as the amount reserved in respect of the superior interest or charge and the Judicial Commissioner is of opinion, having regard to all the circumstances of the case, that the amount actually paid by the applicant has been paid and accepted in substitution for the amount reserved in respect of the superior interest or charge, the amount so actually paid shall be deemed to be the amount reserved in respect of the superior interest or charge for the purposes of such application and of this section. (5) Where an application (whether lodged before or after the passing of this Act) is granted after the passing of this Act under

section 39 of the Land Act, 1923, or that section as extended-by any other Act (including this Act), the following provisions shall have effect:— (a) on the making of the advance, there shall be added, to the redemption price of the amount or apportioned amount (as the case may be) reserved in respect of the superior interest or charge, a sum (in this subsection referred to as compounded arrears) consisting of seventy-five per cent. of whichever of the following arrears of such amount is the greater (or, where they are equal, of the first-mentioned of them), that is to say: (i) the arrears which at the date of the advance have accrued due in respect of any period or periods commencing on and after the gale day next before the lodgment of the application, and (ii) the arrears, not exceeding three years thereof, which have accrued due at the date of the advance, together with seventy-five per cent. of the apportioned gale of such amount from the gale day next before the date of the advance up to that date where that date is not a gale day, and, save as aforesaid no payment in respect of arrears of such amount shall be required to be made, (b) where any payment after the lodgment of the application or in respect of any period or periods commencing on and after the gale day next before the lodgment of the application has been made on foot of the amount or apportioned amount (as the case may be) reserved in respect of the superior interest or charge, arrears shall be deemed to have accrued and the foregoing paragraph shall apply as if no such payment had been made, but every such payment (or such part thereof as may be appropriate having regard to any apportionment) shall be treated as having been made in respect of the compounded arrears and the amount of every such payment (or of the said part) in excess of the compounded arrears shall be recoverable as a claim against the redemption price, (c) any amount of the compounded arrears added as aforesaid shall be paid, out of the amount advanced, to the person who would have been entitled to receive the compounded arrears for his own use, but the income tax, if any, due in respect of the holding shall be deducted from such added amount on the distribution of the amount advanced. In this subsection, the expression "the date of the advance" means the date on which the relevant land bonds are put to the credit of the relevant matter. (6) An application may be made under section 39 of the Land Act, 1923, by virtue of subsection (1) of this section notwithstanding that, in the particular case in question, an application under the said section 39 was made and refused before the passing of this Act.

20 Amendment of section 37 of Land Act, 1939.

SECT 20.—(1) Section 37 of the Land Act, 1939, is hereby amended by the substitution of the following paragraphs for paragraphs (a), (b), (c) and (d) of subsection (1):— "(a) on the making of the advance, there shall be added, to the purchase money of such holding, part of a holding, or parcel, a sum (in this subsection referred to as compounded arrears) consisting of seventy-five per cent. of whichever of the following arrears of the rent payable in respect of such holding, part of a holding, or parcel is the greater (or, where they are equal, of the first-mentioned of them), that is to say:— (i) the arrears which at the appointed day have accrued due in respect of any period or periods commencing on and after the gale day next before the said particulars were furnished or the said application was lodged (as the case may be), and (ii) the arrears, not exceeding three years thereof, which have accrued due on the appointed day, together with seventy-five per cent. of the apportioned gale of such rent from the gale day next before the appointed day up to that day where that day is not a gale day, and, save as aforesaid, no payment in respect of arrears of such rent shall be required to be made, (b) where any payment after the said particulars were furnished or the said application was lodged (as the case may be) or in respect of any period or periods commencing on and after the gale day next before the said particulars were furnished or the said application was lodged (as the case may be) has been made on foot of the said rent, arrears shall be deemed to have accrued and the foregoing paragraph shall apply as if no such payment had been made, but every such payment shall be treated as having been made in respect of the compounded arrears and the amount of every such payment in excess of the compounded arrears shall be recoverable as a claim against the purchase money." (2) Subsection (1) of this section shall

not apply in relation to any case as respects which the appointed day has been fixed before the passing of this Act.

21 Amendment of section 44 of Land Act, 1931 and section 47 of Land Act, 1939.

SECT 21.—(1) Where, on the hearing of an application under section 44 of the Land Act, 1931, or that section as amended or extended by any enactment, it is found that, having regard to the character or user of the parcel of untenanted land and to all the circumstances of the case, it would not be in the interest of the country to grant the application, the application shall be refused. (2) Section 47 of the Land Act, 1939, is hereby amended by the deletion in paragraph (b)— (I) of the words "notwithstanding that paragraph (b) of that subsection is not complied with," and (II) of the word "and" at the end of subparagraph (i), and (III) of subparagraph (ii).

22 Amendment of section 37 of Land Act, 1936.

SECT 22.—(1) Where, on the hearing of an application under section 37 of the Land Act, 1936, or that section as amended or extended by any enactment, it is found that, having regard to the character or user of the parcel of untenanted land and to all the circumstances of the case, it would not be in the interest of the country to grant the application, the application shall be refused. (2) Section 37 of the Land Act, 1936, is hereby amended by the deletion— (I) of the word "and" at the end of paragraph (b) of subsection (1), and (II) of paragraphs (c) and (d) of subsection (1), and (III) of paragraphs (b) and (d) of subsection (3).

23 Further amendment of section 44 of Land Act, 1931, and section 37 of Land Act, 1936.

SECT 23.—(1) Where an application is granted under section 44 of the Land Act, 1931, or under that section as amended or extended by any enactment— (a) the Land Commission shall be entitled to include the parcel in any list of vested holdings published under section 9 of the Land Act, 1931, as if the particulars referred to in subsection (1) of that section had been furnished, and (b) every provision made by or under the Land Purchase Acts which is applicable to holdings included in such a list shall apply to the parcel in so far as such provision is not inconsistent or at variance with any particular provision which applies to the parcel. (2) Subsection (1) of this section shall be deemed to have come into operation on the passing of the Land Act, 1931. (3) Where an application is granted under section 37 of the Amendment of section 37 of Land Act, 1936, or under that section as amended or extended by any enactment— (a) the Land Commission shall be entitled to include the parcel in any list of vested holdings published under section 9 of the Land Act, 1931, as if the particulars referred to in subsection (1) of that section had been furnished, and (b) every provision made by or under the Land Purchase Acts which is applicable to holdings included in such a list shall apply to the parcel in so far as such provision is not inconsistent or at variance with any particular provision which applies to the parcel. (4) Subsection (3) of this section shall be deemed to have come into operation on the passing of the Land Act, 1936.

24 Saver for application of section 37 of Land Act, 1933, and amendment of that section.

SECT 24.—(1) Section 37 of the Land Act, 1933, shall apply to a holding or part of a holding charged with any advance under the Land Purchase Acts, 1881 to 1889, notwithstanding anything contained in section 14 of the Local Loans Fund Act, 1935 (No. 16 of 1935). (2) Subsection (1) of this section shall be deemed to have come into operation on the passing of the Local Loans Fund Act, 1935. (3) A deficiency in the local loans fund arising by virtue of this section shall be made good to the local loans fund out of moneys provided by the Oireachtas at such times and in such manner as the Minister for Finance directs. (4) Subsection (1) of section 37 of the Land Act, 1933, is hereby amended by the deletion of the word "thereafter" and the substitution therefor of the words "as from such date as may be

specified in that behalf by such order". (5) Subsection (4) of this section shall be deemed to have come into operation on the passing of the Land Act, 1933.

25 Extension of section 24 of Land Act, 1939.

SECT 25.—In addition to their present application, subsections (2), (3), (4) and (5) of section 24 of the Land Act, 1939, shall also apply to any land— (a) the whole or an undivided share or undivided shares of which is or are purchased under the Land Purchase Acts or is or are subject to a purchase agreement entered or deemed to be entered into under those Acts or is or are purchased under the Forestry Act, 1946 (No. 13 of 1946), and (b) which is held by two or more persons in common, whether as joint tenants or tenants in common and whether or not purchased or subject to a purchase agreement as aforesaid with any other land, and, accordingly, in those subsections any reference to owners in common shall include a reference to the said, two or more persons and any reference to a holding to which the said section 24 applies shall include a reference to the said land.

26 Amendment of section 45 of Land Act, 1939.

SECT 26.—(1) In subsection (1) of section 45 of the Land Act, 1939, the words "such mortgage or charge", where those words occur secondly and thirdly, shall, in a case in which any mortgage or charge (in this section referred to as the substituted mortgage or charge) has, in the opinion of the Judicial Commissioner, been given by any person substantially in substitution for the mortgage or charge given by the purchaser, be construed as including the substituted mortgage or charge. (2) An application may be made after the passing of this Act under section 39 of the Land Act, 1923, in respect of the substituted mortgage or charge notwithstanding that an application under that section in respect thereof was made and refused before the passing of this Act.

27 Purchase of land offered for sale.

SECT 27.—(1) Where— (a) any interest in land is offered for sale, and (b) the interest carries the right to vacant possession of the land, and (c) the Land Commission require the land for the provision of new holdings for migrants or to facilitate re-arrangement of lands held in rundale or intermixed plots the Land Commission may purchase such interest for cash. (2) Provision as to arrears of rates in respect of land an interest in which is purchased under this section may, notwithstanding any other enactment, be such as may be agreed upon between the vendor and the Land Commission. (3) Where any sum whatsoever in respect of land, an interest in which is purchased under this section, is or becomes due to the Land Commission by the vendor, in respect of any period ending on or before the day on which the Land Commission obtain possession of the land, the Land Commission, notwithstanding anything contained in any contract, may deduct that sum (including costs and expenses, if any, properly incurred in seeking the recovery thereof) from the purchase price. For the purposes of this subsection, where any purchase annuity, annual sum or other payment is payable under the Land Purchase Acts in respect of the land and the date on which the Land Commission obtain possession of the land is not a gale day, such purchase annuity, annual sum or other payment shall be apportioned up to that date and shall be deemed to have accrued from day to day. (4) No stamp duty shall be chargeable or payable on any instrument by which a purchase under this section is effected. (5) The powers conferred by this section are in addition to, and not in derogation of, any other powers which the Land Commission may have by law for the acquisition or purchase of land or resumption of holdings. (6) A certificate under the common seal of the Land Commission certifying that an interest in land has been purchased under this section shall be prima facie evidence of the fact so certified.

28 Transfer orders, etc.

SECT 28.—(1) At any time after a purchase under section 27 of this Act of an interest in land has been completed, the Land Commission may make an order (in this section referred to as a transfer order) in accordance with the subsequent provisions of this section in respect of the land. (2) The following provisions shall have effect in relation to a transfer order in respect of any land:— (a) the order shall come into operation on such date (in this section referred to as the operative date) as may be specified in that behalf in the order, being a date not earlier than two months after the making of the order, (b) the order shall be expressed and shall operate to vest the land in the Land Commission for an estate in fee simple in possession subject— (i) in case the land is subject to a State annuity, to that State annuity, and (ii) in case provision is made in the order in pursuance of subsection (4) of this section for the continuance or creation of an easement, to that easement, but save as aforesaid free from all public rights (if any) and from the claims of all persons who are interested in the land, whether in respect of incumbrances or interests therein or otherwise howsoever, (c) in relation to each interest subsisting in the land immediately before the operative date and in respect of which compensation is payable under subsection (9) of this section— (i) the order shall operate to transfer and attach to the said compensation all estates, trusts and incumbrances subsisting in respect of that interest immediately before the operative date, (ii) the said compensation shall, as respects all rights or claims, existing immediately before the operative date, to or against that interest, represent that interest for all purposes, (iii) if that interest was, immediately before the operative date, settled land, within the meaning of the Settled Land Acts, 1882 to 1890, the said compensation shall be capital money for the purposes of those Acts. (3) A transfer order shall have attached thereto a map or plan showing the land to which the order relates. (4) A transfer order may provide for the continuance of an existing easement in or over the land to which it relates or for the creation, in lieu of an existing easement, of any new easement in or over the land. (5) Where a transfer order is made in respect of any land, the Land Commission shall as soon as may be thereafter— (a) publish, by advertisement in the *Iris Oifigiúil* and in at least one issue of either a newspaper published and circulating in the county in which the land is situate or, if there is no such newspaper, a daily newspaper published in the State and circulating in the said county, a notice (which shall specify the place at which the transfer order may be inspected and the times for inspection) of the making of the order, (b) serve a copy of such notice on all persons who appear to the Land Commission to have had immediately before the operative date, any interest in the land. (6) Where any public right is terminated by a transfer order, the Land Commission may, if they think it necessary, arrange for a right to be exercisable by the public in lieu of the terminated public right. (7) As soon as may be after the operative date in respect of a transfer order, the Land Commission shall send to the registering authority under the Registration of Title Acts, 1891 and 1942, the transfer order and, on receipt thereof, the said registering authority shall cause the Land Commission to be registered under those Acts as owner in fee simple of the land in accordance with the terms of the transfer order or, if the Land Commission is already so registered as owner in fee simple of the land, cause the terms of the transfer order to be so registered. (8) No stamp duty shall be payable on any transfer order nor shall any fees be payable in respect of any proceedings in the Land Registry under subsection (7) of this section. (9) Where a transfer order is made in respect of any land, the Land Commission shall be liable to pay compensation in respect of every interest (other than an easement continued by the order or an easement in lieu whereof a new easement has been created by the order) subsisting therein immediately before the operative date, but no claim for compensation shall be made after the expiration of six years from that date. (10) Where a transfer order is made in respect of any land and the interest therein purchased by the Land Commission was, immediately before the operative date, subject to a mortgage— (a) the reference in subsection (9) of this section to every interest subsisting in the land immediately before the operative date shall include a reference to the interest purchased by the Land Commission, and (b) the fixing of compensation in respect of the interest purchased by the Land Commission, and the allocation of such compensation as between the Land Commission and

the mortgagee, shall be carried out in accordance with the rules made for the purposes of this section. (11) The Land Commission shall have in relation to land (being land comprising the whole or part of land in which they have acquired an estate in fee simple by means of a purchase under section 27 of this Act or by means of a transfer order) all powers which they have in relation to land purchased or acquired under the Land Purchase Acts. (12) Where any land (being land comprising the whole or part of land in which the Land Commission have acquired an estate in fee simple by means of a purchase under section 27 of this Act or by means of a transfer order) becomes not required by the Land Commission for (as the case may be) the provision of new holdings for migrants or to facilitate re-arrangement of lands held in rundale or intermixed plots, such land may be disposed of by the Land Commission to any of the persons or bodies mentioned in paragraphs (a), (c) and (e) (as extended by subsection (6) of section 30 of this Act) of subsection (1) of section 31 of the Land Act, 1923, or to the Minister for the purposes of afforestation. (13) Provision may be made by rules for the following matters:— (a) as respects land to which a transfer order relates which is subject in conjunction with other land to an annual payment or a State annuity, for apportionment of such payment or annuity, (b) fixing, allocation (including allocation as between mortgagors and mortgagees) and payment of compensation (subject to the restriction that the person to fix compensation in default of agreement shall be the Judicial Commissioner), (c) amendment of transfer orders by the Judicial Commissioner, (d) payment by the Land Commission of costs of deducing title to compensation, (e) conduct of proceedings under the rules, (f) costs and expenses of proceedings under the rules and taxation and recovery of such costs and expenses, (g) service of notices given under the rules or this section, and any such rules may be expressed to confer any powers appropriate to the purposes for which the rules are made and shall have effect accordingly. (14) Rules made pursuant to the next preceding subsection may provide that, where an allocation of compensation is made as between any mortgagor and mortgagee, an allocation may be made in respect of both principal and interest and that interest shall be treated as ranking equally with principal. (15) The Lands Clauses Acts shall not, save as expressly provided by rules, apply in relation to the acquisition of land by means of a transfer order. (16) In this section— the expression "annual payment" means any annual or periodical payment charged on or payable out of land, but does not include— (a) any State annuity, or (b) a rent payable to the Land Commission or the Commissioners under a contract of tenancy expressed to be made for temporary convenience, or (c) interest on a mortgage, or (d) a charge subsisting under a settlement; the expression "charge subsisting under a settlement" means a charge subsisting or to arise under a settlement, within the meaning of the Settled Land Acts, 1882 to 1890, not being a charge having priority to the settlement or a charge created for securing money actually raised; the expression "the Commissioners" means the Commissioners of Public Works in Ireland; the word "easement" includes any profit-à-prendre or other right (including all sporting rights within the meaning of the Land Purchase Acts) in or over land, and also any fisheries appurtenant to land within the meaning of the Land Purchase Acts; the word "interest", in relation to land, includes— (a) an easement, (b) an annual payment, but does not include— (c) a tenancy from year to year held under the Land Commission or the Commissioners and expressed in the contract of tenancy to be for temporary convenience, or (d) a State annuity, or (e) a mortgage on land, or (f) a charge subsisting under a settlement affecting the land; the word "mortgage" includes an equitable mortgage, a charge for securing any capital sum, and a judgment mortgage, but does not include a State annuity or a charge subsisting under a settlement, and the words "mortgagee" and "mortgagor" shall be construed accordingly and shall respectively include a person from time to time deriving title under the original mortgagee and a person from time to time deriving title under the original mortgagor; the expression "State annuity" means any sum being— (a) any land purchase annuity, funding annuity or annual sum, within the meaning of the Land Purchase Acts payable to the Land Commission, or (b) any land purchase annuity payable to the Commissioners, or (c) any reclamation annuity under the Land Reclamation Act, 1949 (No. 25 of 1949).

29 Gratuity in respect of displacement from employment on land.

SECT 29.—Where a person has, whether before or after the passing of this Act, been displaced from employment on land by reason of the acquisition, resumption, purchase or allotment of that land by the Land Commission, the Land Commission may, if in their discretion they so think proper, pay to him such gratuity as they consider reasonable in respect of his displacement from employment.

30 Extension of section 20 of Irish land Act, 1903, and section 18 of Irish Land Act, 1909, etc.

SECT 30.—(1) Subsection (2) of section 4 and subsection (2) of section 20 of the Irish Land Act, 1903, subsections (1) and (2) of section 69 of the Land Act, 1923, section 33 of the Land Act, 1903, and section 59 of the Land Act, 1939, are hereby repealed. (2) The power of framing or approving any scheme by virtue of section 20 of the Irish Land Act, 1903, or section 18 of the Irish Land Act, 1909, shall, notwithstanding any other provision made by or under any Act or contained in any agreement made (whether before or after the passing of this Act) with the Land Commission, be exercised in all cases by the Minister. (3) The purposes referred to in section 4 of the Irish Land Act, 1903, and section 18 of the Irish Land Act, 1909, shall be extended so as to include tillage, gardens for schools, sportsfields, parks, pleasure-grounds and playgrounds amongst the purposes for which advances may be made or obtained under those sections, and existing schemes may be amended and future schemes may be framed, approved or amended accordingly. The said purposes, as extended as aforesaid, are referred to in the subsequent subsections of this section as the extended purposes. (4) An advance in pursuance of section 4 of the Irish Land Act, 1903, as extended by this section, may be of such amount as the Minister may sanction. (5) A parcel of land may be sold by the Land Commission to trustees for all or any of the extended purposes for cash, whether payable by instalments or otherwise, and the provisions relating to a purchase by means of an advance under the Land Purchase Acts for all or any of the extended purposes shall, where applicable have effect in relation to such sale. (6) The trustees mentioned in paragraph (e) of subsection (1) of section 31 of the Land Act, 1923, shall include trustees for all or any of the extended purposes. (7) Where any scheme has been framed or approved, whether before or after the passing of this Act, under section 20 of the Irish Land Act, 1903, or section 18 of the Irish Land Act, 1909, the Minister, notwithstanding any other provision made by the scheme or by or under any Act, may, by writing under his hand, exercise in relation to the scheme as for the time being in force all or any of the following powers:— (a) the appointment in any circumstances of any new or additional trustee or trustees, (b) the variation of or addition to the terms or trusts of the scheme (including the substitution of any of the extended purposes for any existing purpose of the scheme), (c) the removal of any existing or acting trustee, (d) the substitution of another trustee for any trustee removed, (e) where the Land Commission are satisfied that the trusts are not being administered in accordance with the scheme, the revocation of the whole of the scheme and of all the trusts thereof or of specified terms or trusts of the scheme, (f) the authorisation, subject to such conditions (if any) as the Minister deems proper to impose, of the disposal by the trustees, for public purposes, of the whole or part of any land to which the scheme relates whether or not such land or part thereof is no longer required for any purpose of the scheme, (g) the authorisation of the disposal of the proceeds of any sale authorised under the immediately preceding paragraph. (8) Where the removal under paragraph (c) of subsection (7) of this section of one or more than one trustee would result in the number of the trustees being below the original number thereof or three (whichever is the less), he or they shall not be removed unless the substitution or substitutions necessary to obviate that result is or are made under paragraph (d) of that subsection. (9) Where any scheme has been framed or approved, whether before or after the passing of this Act, under section 20 of the Irish Land Act, 1903, or section 18 of the Irish Land Act, 1909, the Land Commission, notwithstanding any other provision made by the scheme or by or under any Act, may exercise the following powers:—

(a) the authorisation, subject to such conditions (if any) as the Land Commission deem proper to impose, of the disposal by the trustees, for purposes other than public purposes, of the whole or part of any land to which the scheme relates where such land or part thereof is, in the opinion of the Land Commission, no longer required for any purpose of the scheme, (b) the authorisation of the disposal of the proceeds of any sale authorised under the immediately preceding paragraph. (10) Where any Minister of State has at any time before the passing of this Act exercised any of the powers mentioned in subsections (7) and (9) of this section, such exercise shall be, and shall be deemed always to have been, as valid as if this section had been in force at that time and such exercise had been carried out in accordance with this section by the Minister or the Land Commission (as may be appropriate). (11) Where any scheme is revoked under this section— (a) the revocation shall operate to vest any land, to which the scheme relates in the Land Commission in fee simple subject to any purchase annuity, funding annuity or annual sum thereon and any charge thereon under the Public Works Acts or the Land Reclamation Act, 1949 (No. 25 of 1949), but, save as aforesaid, freed and discharged from the trusts of the scheme and from all estates, claims or incumbrances of all persons whomsoever who are interested in such land, (b) the Land Commission shall be entitled to enter on and take possession of such land and section 19 of the Land Act, 1927, shall apply accordingly, and (c) the trust funds, if any, shall be disposed of in such manner as the Minister directs. (12) Where any land is disposed of by virtue of an authorisation under paragraph (f) of subsection (7) or paragraph (a) of subsection (9) of this section— (a) the disposal shall operate to vest the land in the person to whom it is disposed of in fee simple subject to any purchase annuity, funding annuity, annual sum or other payment payable to the Land Commission in respect thereof and any charge thereon under the Public Works Acts or the Land Reclamation Act, 1949 (No. 25 of 1949), (including any arrears of such purchase annuity, funding annuity, annual sum, payment or charge), but save as aforesaid, freed and discharged from the trusts of the scheme and from all estates, claims or incumbrances, of all persons whomsoever who are interested in the land, (b) if the person to whom the land is disposed of is the Land Commission, the Land Commission shall be entitled to enter on and take possession of the land and section 19 of the Land Act, 1927, shall apply accordingly. (13) Any land which becomes vested in the Land Commission pursuant to subsection (11) or subsection (12) of this section shall be subject to the provisions of the Land Act, 1923, as amended by subsequent Acts (including this Act), as to the provision of parcels of land for the persons or bodies mentioned in section 31 of the Land Act, 1923, as amended as aforesaid. (14) On the revocation under this section of the whole of a scheme and of all the trusts thereof, or on the revocation, variation or addition under this section of or to any terms or trusts of a scheme (including the substitution of any of the extended purposes for any existing purpose of the scheme) the following provisions shall have effect:— (a) notice of the revocation, variation, addition or substitution shall be given in the prescribed manner to the trustee or trustees and to any other persons appearing to the Land Commission to be affected; (b) at any time within six months after the giving of such notice— (i) any beneficiary under the scheme or trusts who, as such beneficiary, has sustained loss by the revocation, variation, addition or substitution, and (ii) in the case of a revocation, any person from whose estate, claim or incumbrance the land to which the scheme and trusts relate was, by virtue of paragraph (a) of subsection (11) of this section, freed and discharged and who has suffered loss by such freeing and discharge, may apply to the Land Commission for compensation to be paid by them in respect of such loss. (15) On the disposal of any land under an authorisation under paragraph (f) of subsection (7) or paragraph (a) of subsection (9) of this section, the following provisions shall have effect:— (a) notice of the disposal shall be given in the prescribed manner to all persons (other than the trustees of the scheme) appearing to the Land Commission to be affected; (b) at any time within six months after the giving of such notice— (i) any beneficiary under the scheme or trusts thereof who, as such beneficiary, has sustained loss by the disposal, and (ii) any person from whose estate, claim or incumbrance the land was, by virtue of paragraph (a) of subsection (12) of this section freed and discharged and who has suffered loss by such freeing and discharge, may apply to the Land Commission for compensation to be paid by them in respect of such loss. (16) No

compensation shall be payable under subsection (14) or subsection (15) of this section— (i) in respect of any loss which is the loss of a chance of being selected as a recipient of benefits under the scheme or trusts, or (ii) in respect of any loss in relation to which the Land Commission certify under seal that the applicant for compensation has been offered, or is or will be provided with, any specified right, interest or equity which the Land Commission are satisfied is of not less value to him than what he has lost. (17) Every question arising under subsection (14), subsection (15) or subsection (16) of this section (including any question as to the right to or amount of compensation) shall, in default of agreement, be decided by the Lay Commissioners, but there shall be a right of appeal to the Appeal Tribunal and the decision of the Appeal Tribunal shall be final save that an appeal shall lie to the Supreme Court on questions of law. (18) Where any power conferred by this section or either of the two next following sections is exercised in relation to land registered under the Registration of Title Acts, 1891 and 1942, such exercise shall, where appropriate, be notified to the registering authority under those Acts, and, on receipt of such notification, the said registering authority shall cause the appropriate particulars to be entered in the relevant folio. (19) No stamp duty shall be payable on any instrument under this section or either of the two next following sections nor shall any fees be payable in respect of any proceedings in the Land Registry under subsection (18) of this section. (20) In this section, any reference to disposal for public purposes includes disposal to the Land Commission and disposal for purposes related to the education, entertainment or recreation of any group, association or class of persons. (21) Subsection (2) and subsection (3) of section 32 of the Land Act, 1933, and paragraph (a) of subsection (6) of section 39 of the Land Act, 1939, are hereby amended by the deletion of the words "for the inhabitants of villages, towns, or cities or for schools". (22) The reference in subsection (4) of section 69 of the Land Act, 1923, to subsection (1) of that section shall be construed as a reference to this section. (23) To avoid doubts and without prejudice to the Interpretation Act, 1937 (No. 38 of 1937), it is hereby enacted as follows:— (a) any reference (whether specific or otherwise) in any provision made by or under any Act other than this Act to an amendment or extension by virtue of section 33 of the Land Act, 1933, shall be construed as a reference to an amendment or extension by virtue of this section, and (b) nothing in this section shall prejudice or affect any matter or proceeding related to any enactment mentioned in subsection (1) of this section and pending at the passing of this Act or any certificate given in relation to the matter or proceeding before such passing.

31 Provisions with respect to certain trusts.

SECT 31.—(1) Where— (a) any trust has, before the passing of this Act, been constituted for any of the purposes referred to in section 4 of the Irish Land Act, 1903, and section 18 of the Irish Land Act, 1909, as extended by section 30 of this Act, whether the trust included or did not include any purpose not so referred to, and (b) the trust is not a trust as respects which a scheme has been framed or approved under section 20 of the Irish Land Act, 1903, or section 18 of the Irish Land Act, 1909, and (c) the instrument constituting the trust provides for any function to be fulfilled by the Land Commission, and (d) the Minister, having regard to the nature of the trust, is satisfied that the provisions of this section should come into operation in relation to the trust, the provisions specified in subsection (2) of this section shall have effect notwithstanding anything contained in the instrument constituting the trust or in any other provision made by or under any Act. (2) The provisions referred to in subsection (1) of this section are the following:— (a) the Land Commission may publish, by advertisement in the *Iris Oifigiúil* and in at least one issue of either a newspaper published and circulating in the county in which the land to which the trust relates is situate or, if there is no such newspaper, a daily newspaper published in the State and circulating in the said county, a notice stating— (i) that it is proposed to apply to the trust the provisions of section 30 of this Act, and (ii) that any person objecting to the proposal may furnish a statement of his objection to the Land Commission at any time before a specified date (not being earlier than one month after the completion of the publication of the notice), (b) every such objection duly made shall be considered and decided by the Lay Commissioners, but there shall be a right of

appeal to the Appeal Tribunal and the decision of the Appeal Tribunal shall be final save that an appeal shall lie to the Supreme Court on questions of law, (c) if no such objection is made, or if every objection made is either withdrawn or, on the final determination thereof, is refused, the Minister may by order apply to the trust the provisions of section 30 of this Act with such (if any) modifications as he thinks proper, and for that purpose, the trust shall be deemed to be a scheme framed or approved under section 20 of the Irish Land Act, 1903.

32 Appointment by the Minister of new trustees.

SECT 32.—(1) Where— (a) any trust or scheme other than a scheme to which section 30 of this Act relates has, whether before or after the passing of this Act, been constituted under any provision of the Land Purchase Acts or otherwise, and (b) the instrument constituting the trust or scheme provides for any function in relation to the appointment of trustees to be fulfilled by the Minister or the Land Commission, the following provisions shall have effect notwithstanding any other provision made by the instrument creating the trust, by the scheme or by or under any Act:— (i) the Minister may by writing under his hand appoint any new trustee or trustees for the purposes of the trust or scheme, (ii) such writing, whether or not containing any vesting declaration, shall operate to vest every estate or interest in any land or chattel subject to the trust or scheme, and every right to recover and receive any debt or thing in action so subject, in the person or persons appointed as new trustee or trustees as joint tenant or tenants with the existing trustee or trustees (or, where there is no existing trustee, in such persons as joint tenants) and for the purposes of the trust or scheme. (2) Where the Land Commission, by any instrument executed before the passing of this Act, appointed or purported to appoint any new trustee or trustees, the instrument shall have, and be deemed always to have had, the like effect as if this section had come into operation before the instrument was executed and the instrument had been executed by the Minister.