

FORESTRY ACT, 1946 (PART III) REGULATIONS 1959

I, ERSKINE CHILDERS, Minister for Lands, in exercise of the powers conferred on me by subsection (1) of section 5 and section 13 of the Forestry Act, 1946 (No. 13 of 1946), as amended by the Forestry Act, 1956 (No. 6 of 1956), hereby make the following regulations :

REG 1

Short title.

1. These Regulations may be cited as the Forestry Act, 1946 (Part III) Regulations, 1959.

REG 2

Interpretation.

2.—(1) In These Regulations—

" the Act of 1956 " means the Forestry Act, 1956 (No. 6 of 1956)

;

" the Minister " means the Minister for Lands ;

" the Principal Act " means the Forestry Act, 1946 (No. 13 of 1946).

(2) Every word or expression used in these Regulations to which a particular meaning is given by section 12 of the Principal Act has in these Regulations the meaning so given it.

(3) In these Regulations, references to the Principal Act shall be construed as references to the Principal Act, as amended by the Act of 1956.

REG 3

Applications under section 17 of the Principal Act.

3.—(1) Every application under the provision of the Principal Act set out in column (2) of the Table to this Regulation at a particular reference number shall—

(a) be in the form in the Schedule hereto specified in column (3) of the said Table at that reference number or in a form to the like effect,

(b) be signed by the applicant or his solicitor, and

(c) be lodged with or posted to the Secretary, Department of Lands (Forestry Division), Dublin.

(2) Every application under subsection (9) of section 17 of the Principal Act in respect of compensation payable by a person (not being the Minister) under section 20 of the Principal Act shall—

(a) be in Form 7 in the Schedule hereto or in a form to the like effect,

(b) be signed by the applicant or his solicitor, and

(c) be sent to the person by whom the compensation is payable by registered post in an envelope addressed to him at his last known place of address.

TABLE TO REGULATION 3.

Reference Number	Provision of Principal Act under which application is made	Form in Schedule in which application is to be made
(1)	Section 17 (2) (a) or (aa)	Form 1.2.
(2)	Section 17 (3) (a)	Form 2.3.
(3)	Section 17 (4) (a) or (a)	Form 3.4.
4.	Section 17 (5) (a), in so far as the sub-section relates to compensation payable under section 19 of the Principal Act.	Form 4.5.
5.	Section 17 (5) (a), in so far as the sub-section relates to compensation payable by the Minister for Lands under section 20 of the Principal Act.	Form 5.6.
6.	Section 17 (5) (a), in so far as the sub-section relates to compensation payable under section 21 of the Principal Act.	Form 6.

REG 4

Applications under section 3 of the Act of 1956.

4. Every application under the provision of the Act of 1956 set out in column (2) of the Table to this Regulation at a particular reference number shall—

- (a) be in the form in the Schedule hereto specified in column (3) of the said Table at that reference number or in a form to the like effect,
- (b) be signed by the applicant or his solicitor, and
- (c) be lodged with or posted to the Secretary, Department of Lands (Forestry Division), Dublin.

TABLE TO REGULATION 4.

Reference Number	Provision of Act of 1956 under which application is made	Form in Schedule in which application is to be made
(1)	Section 3 (1)	Form 8.2.
(2)	Section 3 (4)	Form 9.
(3)		

REG 5

Application under section 33 (5) of the Principal Act.

5. Every application under subsection (5) of section 33 of the Principal Act by the Minister to the Commissioner of Valuation and Boundary Surveyor for the apportionment of the rateable valuation of a rateable hereditament, in relation to part of which a vesting order has been made, shall—

- (a) be in writing under the hand of the Secretary of the Department of Lands or some other officer of the said Department authorised by the Minister in that behalf,
- (b) have attached thereto a copy of the said vesting order and shall describe the land to which it relates by reference to an ordnance map or maps on the six-inch scale, and
- (c) be lodged with or posted to the Secretary, Valuation and Boundary Survey Office, 6, Ely Place, Dublin.

SCHEDULE REFERRED TO IN THE FOREGOING REGULATIONS.

FORM 1.

FORESTRY ACT, 1946.

Application under section 17 (2) (a) or (aa) for payment of compensation.

(a)p160a.....of

(address), hereby,
in pursuance of (b)p160b..... of
subsection (2) of section 17 of the Forestry Act, 1946, applies to
the Minister for Lands for the payment of compensation for the
interest, specified in column (2) of the Schedule hereto, in the
vested land described in the said Schedule.

Dated this.....day of....., 19....

Signature of applicant or his solicitor.....

SCHEDULE.

Description of vested landInterest in land(1)(2)

(a) here insert name of applicant.

(b) here insert " paragraph (a) " or " paragraph (aa) " whichever
is appropriate.

Pagenum="161"

Form 2.

FORESTRY ACT, 1946.

Application under section 17 (3) (a) for payment of a sum allocated
to a mortgagee.

(a)p161a1.....

of (address), in pursuance of paragraph (a) of
subsection (3) of section 17 of the Forestry Act, 1946, hereby
applies to the Minister for Lands for payment of the sum of £
(representing the

(b)p161b1..... of the
compensation for the interest, specified in column (2) of the
Schedule hereto, in the vested land described in column (1) of the
said Schedule) allocated to the said

(a)..... as mortgagee
under section 32 of the said Act.

Dated this.....day of....., 19....

Signature of applicant or his solicitor.....

SCHEDULE.

Description of vested landInterest in land(1)(2)

(a) insert here name of applicant.

(b) insert here " whole " or " part, " whichever is appropriate.

Form 3.

FORESTRY ACT, 1946.

Application under section 17 (4) (a) or (aa) for payment of a sum
allocated to a mortgagor.

(a)p161a2.....

of (address), hereby, in pursuance of

(b)p161b2.....
of subsection (4) of section 17 of the Forestry Act, 1946, applies to the Minister for Lands for payment of £ (representing part of the compensation for the interest specified in column (2) of the Schedule hereto, in the vested land described in column (1) of the said Schedule) allocated to the mortgagor of the said interest under section 32 of the said Act.

Dated this.....day
of....., 19....
Signature of applicant or his solicitor.....

SCHEDULE.

Description of vested landInterest in land(1)(2)
(a) here insert name of applicant.
(b) here insert " paragraph (a) or " paragraph (aa) " whichever is appropriate.

Form 4.

Application under section 17 (5) for payment of compensation payable by the Minister for Lands under section 19 (10).

Whereas by an order made on
the.....day
of....., 19..., under
section 19 of the Forestry Act, 1946, the right, specified in
column (2) of the Schedule hereto, in respect of the land described
in column (1) of the said Schedule was extinguished :

Now,
(a)p162a1.....
of (address), being the person entitled to
compensation in respect of the said right, hereby, in pursuance of
paragraph (a) of subsection (5) of section 17 of the said Act,
applies to the Minister for Lands for payment of the compensation
payable to him under subsection (10) of section 19 of the said Act
in respect of the extinguishment of the said right.

Dated this.....day of....., 19....
Signature of applicant or his solicitor.....

SCHEDULE.

Land in respect of which right formerly existedNature of right
extinguished (whether easement, profit-a-prendre, or other right in or
over land)(1)(2)

(a) here insert name of applicant.

Form 5.

Application under section 17 (5) for payment of compensation payable by the Minister for Lands under section 20 (4).

Whereas by an order made on the.....day of....., 19...,
under section 20 of the Forestry Act, 1946, a right of way over
the land described in the Schedule hereto was granted to the
Minister for Lands :

Now, (a)p162a2..... of (address)
....., being (b) p162b.....of

the said land, hereby, in pursuance of paragraph (a) of subsection (5) of section 17 of the said Act, applies to the said Minister for payment of the compensation payable to him under subsection (4) of section 20 of the said Act in respect of the said right of way.

Dated this.....day of....., 19....
Signature of applicant or his solicitor.....

SCHEDULE.

(Insert here description of land over which right of way was granted.)

- (a) here insert name of applicant.
- (b) here insert " the occupier " or " the owner " whichever is appropriate.

Form 6

Application under section 17 (5) for payment of compensation payable by the Minister for Lands under section 21 (4).

Whereas by an order made on the.....day of....., 19..., under section 21 of the Forestry Act, 1946, a right of way over the land described in the Schedule hereto was created in favour of the Minister for Lands :

Now,
(a)p163a1.....
of (address), being the owner of the said land, hereby, in pursuance of paragraph (a) of subsection (5) of section 17 of the said Act, applies to the said Minister for payment of the compensation payable to him under subsection (4) of section 21 of the said Act in respect of the said right of way.

Dated this.....day of....., 19....
Signature of applicant or his solicitor.....
(a) here insert name of applicant.

SCHEDULE.

(Insert here description of land over which right of way was granted.)

Form 7.

Application under section 17 (9) for payment of compensation payable by a person, other than the Minister for Lands, under section 20 (4).

Whereas by an order made on the.....day of....., 19..., under section 20 of the Forestry Act, 1946, a right of way over the lands described in the Schedule hereto was granted to (a) p163a2.....of (address).....

Now, (b)p163b..... of (address), being (c)p163c..... of the said lands hereby, in pursuance of paragraph (a) of subsection (9) of section 17 of the said Act, applies to the said (a)..... for payment of the compensation payable to him

under subsection (4) of section 20 of the said Act in respect of the said right of way.

Dated this.....day of....., 19.

Signature of applicant or his solicitor.....

SCHEDULE.

(Insert here description of land over which right of way was granted.)

- (a) here insert name of grantee under the order.
- (b) here insert name of applicant.
- (c) here insert " the occupier" or " the owner "whichever is appropriate.

Form 8.

Application under section 3 (1) for payment of compensation. Whereas the Minister for Lands has, pursuant to paragraph (aa) of subsection (2) of section 17 of the Forestry Act, 1946, paid to a person (not being

(a)p164a..... of (address)), compensation in respect of the interest, specified in column (2) of the Schedule hereto, in the vested land described in column (1) of the said Schedule :

And Whereas the said

(a)..... would have been entitled to (b)p164b..... the proceeds of a sale of the said interest immediately before the vesting date :

The said (a)....., hereby, in pursuance of subsection (1) of section 3 of the Forestry Act, 1956, applies to the said Minister for payment of the compensation in relation to the said interest payable to him under the said subsection (1).

Dated this.....day of....., 19....

Signature of applicant or his solicitor.....

SCHEDULE.

Description of vested landInterest in land(1)(2)

- (a) here insert name of applicant.
- (b) here insert either " the whole of or " a share in " whichever is appropriate.

Form 9.

Application under section 3 (4) for payment of compensation. Whereas the Minister for Lands has, pursuant to paragraph (aa) of subsection (4) of section 17 of the Forestry Act, 1946, paid to a person (not being (a)p165a....., of (address)) the sum (representing part of compensation for the interest specified in column (2) of the Schedule hereto, in the vested land described in column (1) of the said Schedule) allocated to the mortgagor of the said interest under section 32 of the Forestry Act, 1946 :

And Whereas the said (a)..... would have

been entitled to (b)p165b..... such balance of the proceeds of a sale of the said interest immediately before the vesting date as would remain after discharge of the relevant mortgage debt or debts :

The said (a)....., hereby, in pursuance of subsection (4) of section 3 of the Forestry Act, 1956, applies to the said Minister for payment of the compensation in relation to the said interest payable to him under the said subsection (4).

Dated this.....day of....., 19....

Signature of applicant or his solicitor.....

SCHEDULE.

Description of vested landInterest in land(1)(2)

(a) here insert name of applicant.

(b) here insert " the whole of " or " a share in " whichever is appropriate.

GIVEN under my Official Seal, this 13th day of April, 1959.

(Signed) ERSKINE CHILDERS,
Minister for Lands.

EXPLANATORY NOTE.

These Regulations are designed to standardise applications for payment of compensation under the Forestry Acts. Their main purpose is to bring into operation those provisions of the Forestry Act, 1956, which empower the Minister for Lands, in certain circumstances, to acquire land for forestry purposes from (and to pay compensation to) a person who is unable to show full title to the land and also to pay compensation to any other person who may later show that he was entitled to an interest in the land and who, within six years of the date of the acquisition of the land by the Minister, applies for payment of compensation in respect of that interest.