



Land Law (Miscellaneous Provisions) Act (Northern Ireland) 1932^{F1}

1932 CHAPTER 16

An Act to make provision with respect to the administration of certain matters by the Ministry of Finance in pursuance of the powers transferred to that Ministry from the Irish Land Commission, and to amend further the law relating to tithe rent-charge and variable rents. [7th June 1932]

F1 functions transf. by 1982 NI 6

1 Distribution of proceeds of sales of holdings by Department of Finance.

- (1) Where the Ministry of Finance (in this Act referred to as “the Ministry”) causes a holding to be sold under any of the powers vested in the Ministry by the Land Purchase Acts, the Ministry shall apply the proceeds derived from such sale (in this section referred to as “the proceeds of the sale”) in accordance with the following provisions of this section.
- (2) The proceeds of the sale shall be credited to a separate account in the books of the Ministry, and shall be applied in payment, in the first instance, of all moneys certified to be due to the Ministry in respect of the holding, and of all costs and expenses incurred by the Ministry in relation to the sale or the distribution of the proceeds of the sale or otherwise in relation to the holding.
- (3) The balance of the proceeds of the sale shall be paid to the persons who may be determined under the provisions of the Schedule to this Act to be entitled to the said balance.
- (4) Where the person determined as aforesaid to be entitled to the balance, or a part of the balance, of the proceeds of the sale is a minor or of unsound mind or otherwise under legal disability—
 - (a) if the amount to which such person is entitled does not exceed fifteen pounds, the Ministry may pay the amount to his guardian or committee, or, if there is no such guardian or committee, then to any person as a trustee for the person under legal disability, upon the giving of such undertaking to apply the amount

Status: Point in time view as at 01/01/2006.

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received for the benefit of the person under legal disability as the Ministry may require;

- (b) if the amount to which such person is entitled exceeds fifteen pounds, the Ministry shall pay the amount into the county court to be administered for the benefit of the person entitled to the same.

- (5) The determination, in accordance with the provisions of the Schedule to this Act, of the persons entitled to the balance of the proceeds of the sale, and any decision or order under sub-section (4) of this section, shall be conclusive and binding on all persons:

Provided that any person claiming to be entitled to such balance or a part thereof may appeal to the county court from such determination, and the determination of the county court on such appeal shall be final.

Subs. (6) rep. by 1959 c. 25 (NI)

- (7) All payments of the balance of the proceeds of any such sale as aforesaid made by the Ministry before the twenty-third day of April, nineteen hundred and thirty-two, shall be deemed to have been made in pursuance of a final determination or decision under this section.
- (8) Sub-section (3) of section thirty of the Land Law (Ireland) Act, 1881 , and sub-section (4) of section thirty-eight of the Land Law (Ireland) Act, 1896 , are hereby repealed as respects sales of holdings under this section.

[^{F2} (9) Where—

- (a) any balances to credit in respect of the proceeds of sale of holdings under any of the powers vested in the Ministry by the Land Purchase Acts shall have remained dormant or unclaimed in the hands of the Ministry for a period of fifteen years at least before the first day of January then last past, the Ministry may direct that such balances shall be transferred to the Exchequer;
- (b) the Ministry is satisfied that any person making a claim in that behalf is entitled to any payment in respect of the sums transferred to the Exchequer under this sub-section, the Ministry may issue to that person out of the Consolidated Fund such sum as may appear to it to be necessary to provide for the said payment.]

F2 1955 c.19 (NI)

2 Authentication of seal of Department of Finance on certificates of sum due.

- (1) Where a certificate under the seal of the Ministry is required for the purposes of section forty-nine of the Landlord and Tenant (Ireland) Act, 1870 ^{M1}, or of section twenty or section twenty-eight of the Land Law (Ireland) Act, 1887 ^{M2}, that seal may, notwithstanding any provision of the [^{F3} Departments (Northern Ireland) Order 1999] ^{F3}, be authenticated by the signature of any of such officers of the Ministry as may be authorised by the Minister of Finance to authenticate that seal in such circumstances as the said Minister may specify.
- (2) Any authority given by the Minister of Finance under this section shall be published in the Belfast Gazette, and the production of a copy of that Gazette purporting to be printed under the authority of the officer for the time being appointed to print the Acts of the Parliament of Northern Ireland, and containing the publication of the authority given by the said Minister, shall be conclusive evidence of the giving thereof.

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F3 1999 NI 1

Marginal Citations

M1 1870 c. 46

M2 1887 c. 33

3 Amendment of s.1 of 1930 c.22 (20 & 21 Geo. 5) etc., as to tithe rentcharge and variable rents.

(1) Where any tithe rentcharge or variable rent is payable to some person other than the Ministry, the sum payable in respect of every gale thereof accruing due after the first day of May, nineteen hundred and thirty-two, shall be deemed to be varied from the amount at which it stood on the first day of November, nineteen hundred and thirty, by being reduced by eight per cent., and shall be payable accordingly; and no tithe rentcharge or variable rent payable to any such person shall be varied except in accordance with this section.

(2) The following enactments are hereby repealed:

So much of the Tithe Rentcharge (Ireland) Act, 1900 ^{M3}, as relates to the variation of tithe rentcharges and variable rents;

Section ninety of the Irish Land Act, 1903 ^{M4};

Sub-section (2) of section one of the Tithe Rentcharge and Variable Rents Act (Northern Ireland), 1930 ^{M5}, except as respects any agreements entered into under that sub-section before the date of the passing of this Act.

(3) In this section the expressions “tithe rentcharge” and “variable rent” mean respectively a tithe rentcharge to which the provisions of the Tithe Rentcharge (Ireland) Act, 1900, would, but for this section, apply, and a variable rent to which those provisions, as extended by section ninety of the Irish Land Act, 1903, would, but for this section, apply.

Marginal Citations

M3 1900 c.58

M4 1903 c. 37

M5 1930 c. 22 (20 and 21 Geo. 5)

4 Short title.

This Act may be cited as the Land Law (Miscellaneous Provisions) Act (Northern Ireland), 1932.

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SCHEDULE

Section 1.

DETERMINATION OF PERSONS ENTITLED TO BALANCE OF PROCEEDS OF SALE

- 1 The Solicitor to the Ministry shall make out a certificate specifying the date of the sale, the amount realised, the particulars of the payments made, the amount of the balance of the proceeds of the sale, and the name of the registered owner of the holding and the number and title of the folio of the Register of Titles relating to the holding, or (where registration of title has not been effected) such particulars as will enable the holdings to be identified. The certificate shall be signed by the Solicitor to the Ministry or by the Assistant Solicitor.
- 2 The Solicitor to the Ministry shall obtain an office copy of the folio of the Register of Titles evidencing the title to the holding as such folio stood at the date of the sale of the holding by the Ministry, or (where registration of title has not been effected) such other evidence of the title to the holding at that date as the said Solicitor may consider necessary.
- 3 The Solicitor to the Ministry shall, without delay, notify the amount of the balance to all such persons as may appear from the Register of Titles, or otherwise to be likely to be entitled to or interested in the balance, and shall refer them to the provisions of this Schedule which prescribe the procedure towards obtaining payment of the balance or any part thereof.
- 4 To obtain payment of the balance, or any part thereof, in a case to which article 6 of this Schedule does not apply, the claimant shall attend before the Solicitor to the Ministry in person, or by solicitor, to prove his claim, and for that purpose shall, within thirty days after the date of the notification under article 3 of this Schedule, file an affidavit which shall state as concisely as is compatible with clearness the title to, and particulars of the incumbrances and other claims (if any) affecting, the balance, and shall refer to the deed and other muniments of title on which the claimant relies, and the claimant shall produce the same to the Solicitor to the Ministry in so far as they are within his procurement.
- 5 If the claimant is entitled to the entire balance, the affidavit shall state specifically that he is so entitled, and that there is not any other person to his knowledge or belief who has or claims any estate, right, title or interest in or to the balance, or any part thereof; or, if there is any such person, the nature of the claim of such person shall be stated.
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 - (1) Where the balance does not exceed thirty pounds, and it appears from the Register of Titles as it stood at the date of the sale by the Ministry that the claimant would be entitled to such balance, the aforesaid affidavit of title may be dispensed with.
 - (2) Where the balance does not exceed fifteen pounds, and it appears from the Register of Titles that the claimant would be entitled thereto, subject to unascertained equities (if any) arising from his interest being a graft on the previous interest of the tenant in the holding, the ascertainment of such equities and the aforesaid affidavit of title may be dispensed with.

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- 7 The Solicitor to the Ministry shall make such requisitions as may be necessary, and may, subject to the foregoing provisions of this Schedule, require such evidence of title of any claimant as the said Solicitor may consider necessary.
- 8 When the claimant or claimants have proved title to the satisfaction of the Solicitor to the Ministry, the said Solicitor shall certify, in order of priority, the amounts of the claims to the Ministry for payment out of the account of the proceeds of the sale.

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