



Irish Land Act 1903

1903 CHAPTER 37

PART I

LAND PURCHASE

Miscellaneous

53 Limitation on advances in certain cases

Notwithstanding anything in the Land Purchase Acts imposing a limit on advances the following provisions shall have effect:—

- (1) If the tenancy in a holding was created after the first day of January in the year nineteen hundred and one an advance in respect of the purchase of the holding shall not, together with the amount (if any) of any previous advance under the Land Purchase Acts then unrepaid by the purchaser, exceed five hundred pounds: Provided that, in the case of a holding situate in an administrative county, or in a riding of any such county, which does not comprise a congested districts county, the said limitation may, subject to the other limitations in the Land Purchase Acts, be exceeded where the Land Commission consider that a larger advance may be sanctioned to any purchaser without prejudice to the wants and circumstances of other persons residing in the neighbourhood: Provided also that this section shall not apply to the case of a former tenant, or a person nominated by the Land Commission as his personal representative, purchasing his former holding, or part thereof, or to the case of a tenancy created by the Congested Districts Board.
- (2) No advance under the Land Purchase Acts shall be sanctioned by the Land Commission to any one purchaser of land held under a letting made by any Court, or Judge, exceeding the sum of one thousand pounds, save where the land is resold to the vendor of an estate: Provided that the limit in this subsection may, where the Land Commission consider it expedient under the circumstances mentioned in the preceding subsection, be extended to two thousand pounds.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Nothing in this section shall affect any estate as to which a request by the Land Judge issued to the Land Commission under the said section forty prior to the passing of this Act.

54 Restrictions on subdivision and incumbrance of holding

- (1) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have after the commencement of this Act made any advance under the Land Purchase Acts, the following conditions shall be imposed, that is to say:—
- (a) The holding shall not be subdivided or let without the consent of the Land Commission, and if the proprietor subdivides or lets the holding, or any part thereof, without such consent, the Land Commission may cause the holding to be sold :
 - (b) Where the title of the holding is divested from the proprietor by bankruptcy, the Land Commission may cause the holding to be sold:
 - (c) Where on the decease of the proprietor the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided or vested in more than one person, the Land Commission may require the holding to be sold within twelve months after they become aware of the death of the proprietor to some one person, and, if default is made in so selling the holding, the Land Commission may cause the holding to be sold:

Provided that the Land Commission, instead of requiring or causing a holding to be sold, may, in the prescribed manner and on the prescribed request by any person interested, nominate some person interested in the holding to be the proprietor of the holding, and provide for the satisfaction of the claims of other persons interested, including any creditors of the deceased, by charging them upon the holding or otherwise.

- (2) Not more than one person shall, without the consent of the Land Commission, be registered as the owner of the holding under Part IV of the Local Registration of Title (Ireland) Act, 1891.
- (3) The proprietor of the holding shall not, without the consent of the Land Commission, mortgage or charge the holding, or any part thereof, for any sum or sums exceeding in the aggregate ten times the amount of the purchase annuity payable in respect of the holding or part upon the making of the advance, and every instrument of mortgage or charge on a holding or part thereof by which the holding or part is charged with any larger sum shall be null and void as to the excess. Where part of a holding is mortgaged or charged, the Land Commission shall, for the purpose of this enactment, estimate the amount of the purchase annuity payable in respect of that part. The consent of the Land Commission under this enactment may, in the case of a charge created by a will, be given at any time whether before or after the death of the testator.
- (4) Every instrument of mortgage or charge on the holding executed after the commencement of this Act other than a charge under any Public Works Act shall be registered under the Local Registration of Title (Ireland) Act, 1891, as a burden affecting that holding, and if not so registered within three months from the date of execution by the mortgagor or chargeant, or, in the case of a charge created by will or codicil, within six months from the death of the testator, shall be null and void.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) Subsections two and three of section thirty of the Act of 1881, as amended by any enactment, shall apply to proceedings under this section.

55 Effect of compulsory sale of holding

Where a holding is put up for sale by or at the instance or with the consent of the Land Commission, the holding shall be sold subject to the purchase annuity (if any) and any charge under any Public Works Acts, but discharged from all other claims or incumbrances of all persons whomsoever who are interested in the holding, and all such claims shall as from the date of the sale cease as against the holding and attach to the purchase money in like manner as immediately before the date of the sale they attached to the holding.

56 Maps and information to be furnished to Land Commission

- (1) The Commissioner of Valuation and Boundary Surveyor shall—
- (a) furnish the Land Commission with such maps as they may request to be furnished with ; and
 - (b) so soon as he is aware of the subdivision or letting of a holding in respect of which an advance under the Land Purchase Acts has been made, give information to the Land Commission in the prescribed manner of such letting or subdivision.
- (2) When any collector of poor rate becomes aware of any subdivision or letting of any such holding he shall, as soon as may be, give information thereof to the Commissioner of Valuation and Boundary Surveyor.
- (3) The district registrar of births and deaths shall, so soon as he is aware of the death of any person who was at the time of his death the proprietor of any such holding, situate in whole or in part within his district, give information to the Land Commission in the prescribed manner of such death.
- (4) livery district registrar and collector of poor rates who wilfully neglects to comply with the requirements of this section shall be liable on summary conviction to a fine not exceeding two pounds.
- (5) The Lord Lieutenant may make rules for carrying into effect the objects of this section, and those rules while in force shall have effect as if enacted in this Act.

57 Liability for interest on purchase money in case of proceedings before Land Judge

Section thirty-five of the Act of 1896 shall apply in the case of sales to tenants under the Land Purchase Acts in proceedings before the Land Judge, with the following modifications :—

- (1) The date at which interest on the purchase money shall begin to be payable shall be—
- (a) Where the sales are being effected under section forty of the Act of 1896, the date' of the order of the Land Judge directing the offers of the sale of the holdings to be made to tenants ;
 - (b) Where the sales are being effected under other provisions of the Land Purchase Acts, the date of the order of the Land Judge accepting the offer of the tenants :

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) Such interest shall be calculated on so much of the purchase money as is being advanced by the Land Commission, and shall be paid to and be collected and recoverable by the Land Commission, and subsection two of section thirty-five of the Act of 1896 shall apply accordingly with the substitution of the date of the said order of the Land Judge for the date of the agreement in the said subsection mentioned and with the modifications in this section mentioned :
- (3) The portion of such interest not liable to be applied under section twenty of the Act of 1887 shall be paid to such person, or lodged to such account, as the Land Judge may direct :
- (4) Where an offer of the Land Judge for the sale of a holding to the tenant thereof is accepted, not more than one year's arrears of rent shall be recoverable from that tenant:
- (5) For the purposes of this section the word "landlord" in subsection two of section thirty-five of the Act of 1896 shall include a receiver appointed in any action or matter.

58 Amendment of 59 & 60 Vict. c.47 s.40 with respect to report of Land Commission and certain court lettings

- (1) The report mentioned in paragraph (a) of subsection one of section forty of the Act of 1896 shall be made by one commissioner instead of two commissioners, and, where the Land Judge refers such report to the Land Commission for reconsideration, the same shall be reconsidered by three commissioners, who shall have power to confirm or vary the same or to make a new report, but, save as provided by this section, the terms and conditions contained in the report shall not be varied without the consent of the Land Judge.
- (2) Paragraph (b) of subsection one of the said section forty shall not, unless the Land Judge so directs, apply in the case of a person in occupation under a letting, made by the Land Judge or Receiver Judge, of a holding comprising demesne land or land suitable for building sites in the neighbourhood of a town or village.
- (3) Where the Land Commission report that they cannot sanction advances in respect of three-fourths in number and rateable value of the holdings on an estate, the Land Judge may, if he thinks fit, make an order declaring that the provisions of the said section forty shall not apply to that estate, and that section shall thereupon cease to apply.

59 Power to dispense with requirements respecting rights, boundaries, easements, &c

For the purpose of facilitating sales under the Land Purchase Acts, the Land Judge may, if he thinks fit, subject to such conditions as may be prescribed by rules under section twenty-three of the Act of 1896, dispense with all or any of the requirements in sections fifty-four, fifty-five and sixty-one of the Landed Estates Court (Ireland) Act, 1858, with respect to the ascertainment of rights, easements, and boundaries.

60 Power to ratify exchange of land in certain cases

- (1) Where, in the course of proceedings for the sale under the Landed Estates Court (Ireland) Act, 1858, or the Land Purchase Acts, of an estate, it appears that the owner or any tenants of holdings on the estate are in occupation of portions of an adjoining estate, and that the owner or any tenants of holdings on the adjoining estate are

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

in occupation of portions of the first-mentioned estate, whether such exchange of occupation is the result of an agreement or is occasioned by the alteration of the course of a stream, or otherwise, the Land Judge or the Judicial Commissioner, as the case may be, may, if he thinks it expedient, with the consent of the owners of the respective estates, or on notice in the prescribed manner to the owners and giving them an opportunity of being heard, make an order ratifying the exchange, and the order or a map or plan annexed thereto shall show the lands given and taken in exchange respectively.

- (2) The land taken upon any such exchange shall be deemed to be held by the same tenure, and shall, without any conveyance or other assurance in relation thereto, go and enure to and upon the same uses and trusts and be subject to the same rents, conditions, charges, and incumbrances, as the land given upon such exchange would have stood limited upon and been subject to if the Order had not been made ; and the land given upon such exchange shall be deemed to be held by the same tenure, and shall without any conveyance or other assurance in relation thereto, go and enure to and upon the same uses and trusts, and be subject to the same rents, conditions, charges, and incumbrances, as the land taken upon such exchange would have stood limited upon and been subject to if the Order had not been made.
- (3) All rights and remedies for recovery of rents payable in respect of either portions of the lands so exchanged shall be exercisable in respect of, and may be pursued against, the lands given or taken upon such exchange, as the case may be, in the same manner as they might theretofore have been exercised or pursued against the lands originally liable thereto.

61 Apportionment of quit and Crown rents

- (1) If any land the subject of proceedings for sale under the Land Purchase Acts is liable, in conjunction with other lands, to any quit rent, or other perpetual rent payable to the Crown, the Commissioners of Woods may apportion such rent upon or amongst the several lands liable to the payment thereof, or upon or amongst any part or parts of those lands in exoneration of the remainder thereof, or may charge the whole of any such rent on any part of the lands charged therewith in exoneration of the remainder of those lands.
- (2) For the purpose of apportionment or exclusive charge under this section, when any such rent or any portion thereof has been for a period of not less than twenty years, or is under the provisions of any contract, paid in respect of any lands, such rent, or portion thereof, as the case "may be, shall be deemed to be charged on those lands whether originally so charged or not.
- (3) Every such apportionment or exclusive charge shall be binding on the Crown and on every person, and the apportioned parts of any such rent, or any such rent- so exclusively charged, shall thenceforth be issuing out of and chargeable upon the lands whereon the same may be apportioned or exclusively charged.
- (4) No such apportionment or exclusive charge shall in any manner prejudice or affect any reversion or remainder of the Crown in any lands originally charged with any such rent so apportioned or exclusively charged, nor shall the sale of any apportioned part of a rent, or of a rent so exclusively charged, or of any interest of the Crown in reversion or remainder in the same land, affect the right or interest of the Crown in any other part of the lands originally charged with any rent so apportioned or exclusively charged,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

either as regards the part of any rent charged upon those lands and remaining unsold, or the interest in remainder or reversion, of the Crown in those lands, or otherwise.

- (5) Where such apportionment or exclusive charge has been made, a certificate shall be issued under the hand of the Commissioners of Woods, setting forth the terms thereof, and that certificate shall be conclusive evidence of those terms, and of the liability of the lands mentioned therein, to the rent or part of a rent so exclusively charged or apportioned thereon. A duplicate of the certificate shall be deposited in the Public Record Office in Dublin.
- (6) The Commissioners of Woods may remit for the determination, under the powers conferred by any existing enactment, of the Land Judge or a Judicial Commissioner, any case under this section involving a question of law, or other question which those Commissioners are unwilling to determine.
- (7) Rules for the purpose of this section shall be made by the Commissioners of Woods, with the approval of the Lord Chancellor, the Land Judge, and the Judicial Commissioner.

62 As to superior interest where security sufficient

- (1) Where any land sold under the Land Purchase Acts is subject, in conjunction with other lands, to any superior interest and the Court is satisfied that, for a period of not less than twenty years prior to the sale, no payment has been made in respect of that interest by the owner of the land sold, and that the other lands subject thereto are a sufficient security therefor, the purchase money of such land may be distributed without regard thereto.
- (2) Where in the like case the Court is satisfied that, for a period of not less than twenty years prior to the sale, payment in respect of a portion only of the superior interest has been made by the owner of the land sold, and that the other lands are a sufficient security for the balance thereof, the purchase money of the land sold may be distributed without regard to that balance.
- (3) Where in the like case the Court is satisfied that the land sold is entitled to be indemnified against any claim in respect of a superior interest by other lands, and that the other lands are a sufficient security therefor, the Court may, upon such terms (if any) and in such manner as appears equitable, exclusively charge the whole of the superior interest upon the other lands.
- (4) The foregoing provisions of this section shall apply with the necessary modifications to any superior interest or portion thereof affecting the land sold, or to the redemption money of such interest or portion, as if the same were land sold.
- (5) This section shall not apply to any reversion or estate expectant on the determination of an estate tail or a base fee which is vested in the Crown.

63 Superior interests not exceeding certain amounts

- (1) Where any superior interest, or an apportioned part thereof, is redeemed under the Land Purchase Acts, and the redemption price does not exceed thirty pounds, it may be paid to the person in possession or in receipt of the income of the superior interest for his own benefit, or, in case of the incapacity of such person, to the guardian, committee, husband, or trustees, as the case may be, of such person.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) If the redemption price exceeds thirty pound; but does not exceed one hundred pounds, it may be paid to the person in possession or in receipt of the income of the superior interest, or to trustees to be appointed or approved by the Land Commission, or the Land Judge, as the case may be, upon the undertaking in the prescribed manner of such person, or of such trustees, to apply the redemption price as if it were capital money arising under the Settled Land Acts, 1882 to 1890.

64 Amendment of 50 & 51 Vict. c.33 s.16(3) as to fixing redemption price

Notwithstanding anything in subsection (3) of section sixteen of the Act of 1887, if the parties do not within the prescribed time agree upon the redemption price of a superior interest, that price shall be determined by the Judicial Commissioner or the Land Judge as the case may be.

65 Power to Land Commission to obtain possession of holding

Where the Land Commission have put up for sale by public auction a holding which they are entitled to cause to be sold, and the holding has not been sold, the Commission may issue an order to the sheriff to put any person nominated by them in possession of the holding, and the order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

66 Fire insurance on buildings on land sold under Purchase Acts

- (1) Where the Estates Commissioners or the Congested Districts Board have erected or improved any buildings on any land in respect of which an advance is made under the Land Purchase Acts the Land Commission may if they think fit insure the buildings against lessor damage by fire and may keep the same insured until the advance has been repaid.
- (2) The Land Commission shall pay the premiums on any policy of insurance effected in pursuance of this section, and those premiums shall be a charge on the land purchased and the amount of each such premium shall be collected by the Commission from the purchaser of the land and shall be recoverable in like manner as a purchase annuity.

67 Amendment of 59 & 60 Vict. c.47 s.38(3) with respect to apportionment of annuity and guarantee deposit

- (1) The powers for the apportionment of an annuity, or the discharge of portion of a holding from liability in respect of an annuity, conferred by subsection three of section thirty-eight of the Act of 1896, may be exercised where the holding was sold or subdivided before the passing of the Act of 1896.
- (2) Where the Land Commission exercise the power of apportionment conferred by the said subsection three, either as amended or not, they may apportion in the same proportions the guarantee deposit (if any) retained to secure the repayment of the advance, and such last-mentioned apportionment may be made without the consent of the owner of the guarantee deposit.
- (3) Where any land upon which portion of a purchase annuity has been charged by the Land Commission is conveyed to the proprietor of a holding subject to a purchase annuity, that holding and the land so conveyed shall be deemed one holding, and

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the said annuity and portion shall be payable in such manner and subject to such conditions as may be prescribed.

68 Extension of 59 & 60 Vict. c.47 s.29(2) to guarantee deposits under any of Purchase Act

- (1) Subsection two of section twenty-nine of the Act of, 1896 (which enables the Land Commission to pay the person entitled thereto the whole or any part of a guarantee deposit) shall apply to any such deposit made or retained in respect of advances under any of the Land Purchase Acts.
- (2) Subsection three of the said section twenty-nine is hereby repealed.

69 Provisions in case of death, &c. of applicant for an advance

- (1) Where an advance under the Land Purchase Acts has been made for the purchase of any land an order of the Land Commission charging the land shall be valid and effectual notwithstanding that the applicant for the advance may have died.
- (2) Where the applicant for the advance has died, and there is no legal personal representative of such applicant, or no legal personal representative whose services are available for the sale under the Land Purchase Acts, the Land Commission may, on such terms and conditions (if any) as they may think fit, appoint any proper person to be administrator of the deceased applicant limited to the purposes of that sale, and such limited administrator shall, for those purposes, represent the deceased applicant in the same manner as if the applicant had died intestate and administration had been duly granted to such limited administrator of all the personal estate and effects of the deceased applicant.
- (3) General rules under subsection two of section twenty-three of the Local Registration of Title (Ireland) Act, 1891, shall provide for the registration of the owner of the land in any case to which this section applies.

70 Removal of restraints on alienation

For the purposes of a sale under the Land Purchase Acts all covenants, agreements, and conditions in any lease or fee farm grant prohibiting, restraining, or tending to restrain the alienation of any land held thereunder, shall be deemed to be wholly void and inoperative, and so much of section thirty-three of the Landlord and Tenant (Ireland) Act, 1870, and section twenty-nine of the Act of 1881 as requires the waiver or determination of such prohibition is hereby repealed.

71 Questions of law

The determination of any question of law arising under the Land Purchase Acts may, on the application of any person interested, or without such application with the consent of the Lord Chancellor, be transferred by the Judicial Commissioner, if he thinks fit, in such manner as Rules under the Judicature (Ireland) Acts, 1877 to 1897, may direct, from the Land Commission to any Division or Judge of the High Court, and any such determination shall have the effect of and be subject to the same right of appeal as a final order of the High Court.