



Northern Ireland Land Act 1929

1929 CHAPTER 14

An Act to amend the Northern Ireland Land Act, 1925.

[27th March 1929]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Postponement of appointed day and provisions consequential thereon.

- (1) The appointed day under the Northern Ireland Land Act, 1925 (hereinafter referred to as the Act of 1925), may, notwithstanding anything in that Act, be a date later than the twenty-seventh day of May, nineteen hundred and twenty-nine.
- (2) Where the appointed day fixed as respects any holding for the vesting of the holding in the Land Purchase Commission, Northern Ireland (hereinafter referred to as the Commission) under section eight of the Act of 1925, is a date subsequent to the said twenty-seventh day of May, then, notwithstanding anything in the Land Purchase Acts, the following provisions shall have effect with respect to the holding—
 - (a) the holding shall be treated as a holding to which Part II of the Act of 1925 applies if, had the appointed day been the said twenty-seventh day of May, it would have been so treated, unless before the appointed day the holding has been purchased under the Land Purchase Acts or is on the appointed day the subject of an actual purchase agreement thereunder ;
 - (b) the person with whom the Commission is to be deemed under section twelve of the Act of 1925 to have entered into a purchase agreement shall be the person who was tenant of the holding on the said twenty-seventh day of May, or the executors, administrators or assigns of that person;
 - (c) any sum which but for this provision would be payable to the vendor by way of bonus or interest thereon shall be payable to the person who would have been vendor had the appointed day been the said twenty-seventh day of May, or the executors, administrators or assigns of that person;
 - (d) the rent of the holding shall continue to be payable to the person entitled thereto up to the gale day last preceding the appointed day;

- (e) on the appointed day there shall be payable by the Commission—
- (i) to the tenant, or to the person to whom the tenant may have assigned the right to receive the same, a sum equal to the amount (if any) by which the rent in respect of the period from the gale day next preceding the said twenty-seventh day of May to the gale day next preceding the appointed day (irrespective of section thirteen of the Act of 1925) exceeds the amount of the standard purchase annuity in respect of a like period;
 - (ii) to the National Debt Commissioners a sum calculated at the rate of five shillings per cent. per annum upon the purchase price in respect of the period aforesaid, and the sum so payable to the National Debt Commissioners shall be treated by them as paid on account of sinking fund;
- and the sums so paid shall be treated as part of the expenses of the Commission.
- (3) Where as respects any holding an appointed day has not been fixed on or before the said twenty-seventh day of May, and the tenancy in the holding is due to determine either by effluxion of time or the expiration of a notice to determine the tenancy, the tenant or the landlord shall be entitled to apply to the Commission for a declaration as to whether or not the holding is a holding to which Part II of the Act of 1925 applies.

2 Construction of s. 14 of Act of 1925.

It is hereby declared that where a purported sub-letting of a holding of tenanted land which is vested in the Commission by virtue of Part II of the Act of 1925 is invalid" by reason only of the failure of the tenant to obtain the consent of the landlord, or of such consent not having been given in the manner required by law, such purported sub-letting shall be deemed to be a valid sub-letting for the purposes of section fourteen of that Act.

3 Power to confer on vendor of holdings rights of access, &c, to land remaining vested in him.

- (1) Where the vendor of one or more holdings vested in the Commission by Part II of the Act of 1925 alleges that it is necessary for the beneficial enjoyment by him of land belonging to him to which section eight of the Act of 1925 does not apply that a right of access or other right over the holding or over one or more of the holdings should be granted or reserved to him, and makes an application for the purpose, the Judicial Commissioner or Land Judge, if satisfied of the truth of the allegation, may grant or reserve to the vendor and his successors in title such right over the holdings or such one of the holdings upon such terms (if any), including payment of compensation, as the Judicial Commissioner or Land Judge may think just.
- (2) An application under this section, if made before the vesting of the holding or holdings in the tenant or tenants thereof, shall be made to the Judicial Commissioner in the prescribed manner, and, if made subsequently, shall be made to the Land Judge subject to rules of court.
- (3) Where any such right is granted or reserved after the vesting of the holding or holdings in the tenant or tenants thereof, it shall for the purposes of registration under the Local Registration of Title (Ireland) Act, 1891, be deemed to be an easement created by

express grant after the first registration of the land, and shall be registered in such manner as the Land Judge may direct.

- (4) Any person aggrieved by any decision of the Judicial Commissioner or Land Judge under this section may appeal to the Court of Appeal in Northern Ireland, and the decision of that court shall be final.
- (5) In this section the expression " Land Judge " means the Judge of the High Court of Justice in Northern Ireland to whom the duties of Land Judge of the Chancery Division are for the time being assigned.

4 Claim by vendor to rights in respect of holdings vested in Commission.

- (1) Where the vendor of a holding vested in the Commission by Part II of the Act of 1925 claims that he was immediately before the date of such vesting entitled to a right over the holding, or that he had immediately before that date power to exercise any act of ownership or enjoyment in respect of the holding, being a right or power which was on the twenty-eighth day of May, nineteen hundred and twenty-five, of substantial value, and which, if enjoyed by any person other than the vendor, would have been a profit a prendre then, if the Judicial Commissioner so determines, the holding, after it has been so vested, shall be subject to that right or to that power in like manner, and the exercise of the right or power shall be subject to the like obligations or liabilities, as if the vendor were possessed of a profit a prendre over the holding, and the vendor or the persons entitled to the purchase money, or any part thereof, or the purchaser may, at any time before the vesting of the holding in the purchaser, apply to the Judicial Commissioner in the prescribed manner to determine the claim, and the Judicial Commissioner may determine the claim and the extent of any such right and power, and the costs of any application made under this subsection shall be at the discretion of the Judicial Commissioner:

Provided that—

- (i) nothing in this subsection shall affect the operation of section thirteen or section ninety-nine of the Irish Land Act, 1903, and the enactments amending those sections;
 - (ii) a power of cutting or making turf upon a portion of a holding which consists of bog shall, if exerciseable under this subsection, be exercised in such manner as not to prevent the future reclamation of the bog and so as to secure that sufficient turf and pasturage will be left for the use of the proprietor of the holding for a reasonable period.
- (2) The powers of the Commission and of the Ministry of Finance for Northern Ireland to make regulations with respect to turbary on bogs on holdings may be exercised notwithstanding that the holding is subject to a right or power determined in favour of the vendor under subsection (1) of this section and, where any such regulations affect any such right or power, they shall include such terms as to payment or otherwise for the protection of the vendor as may appear to the Commission or to the Ministry of Finance, as the case may be, or as may appear to the Judicial Commissioner on appeal to be just.
- (3) Any person aggrieved by any decision of the Judicial Commissioner under this section may appeal to the Court of Appeal in Northern Ireland and the decision of that court shall be final.

5 Redemption of rents by leaseholders.

Subsection (3) of section twenty-three of the Act of 1925 shall have effect as if the following paragraph were added at the end thereof :—

“Proceedings may be taken under the Redemption of Rent (Ireland) Act, 1891, for the redemption” of the rent of any holding which is excluded from the operation of that Act by reason only that the annuity for repayment of an advance made to a tenant of that holding under the Land Purchase Acts at any time prior to the first day of November, nineteen hundred and three, has not been paid or redeemed in its entirety.”

6 Provisions as to tenants on certain purchased holdings.

(1) A continuing sub-tenant within the meaning of this section may, in the prescribed manner and within the prescribed time, apply to the Commission to fix an appointed day for his holding, and if the Commission are satisfied that Part II of the Act of 1925 would have applied to the holding but for the fact that it consists of land which was, before the first day of November, nineteen hundred and three, purchased under the Land Purchase Acts, they shall fix an appointed day accordingly, and Part II of the Act of 1925 shall apply to the holding subject to the following provisions :—

- (a) the holding of the continuing sub-tenant shall be treated as a separate holding, the continuing sub-tenant shall be treated as the tenant of the holding, and the person by whom the land was purchased as aforesaid or his successor in title shall be treated as the vendor;
- (b) the Commission shall apportion the annuity which is chargeable under the Land Purchase Acts upon the holding, of which the continuing sub-tenant's holding forms a part, between the first-mentioned holding and the continuing subtenant's holding, and the continuing sub-tenant's holding shall be discharged from so much of the annuity as is apportioned thereto;
- (c) the standard purchase annuity for the purposes of section nine of the Act of 1925 shall be an amount equal to the rent of the continuing sub-tenant's holding;
- (d) no bonus as defined by section four of the Act of 1925 shall be payable to the vendor;
- (e) the purchase money shall be applied in redemption of the part of the original annuity apportioned to the continuing sub-tenant's holding, and the balance shall be dealt with as the purchase price of the holding.

(2) In this section the expression " continuing subtenant " means a person who is the tenant of land which has been in the occupation of that person or his predecessors in title by virtue of a sub-tenancy created before the first day of November, nineteen hundred and three, and the land which is the subject of such sub-tenancy is in this section referred to as the holding of such continuing sub-tenant.

7 Determination of tenancies in holdings excluded on account of building value.

(1) Where a holding has been excluded from vesting in the Commission under Part II of the Act of 1925 by reason that it possesses a substantial value or utility (whether potential or actual) as building ground, the following provisions shall have effect:—

- (a) the tenant of the holding shall not be compelled by the landlord to quit the holding or any part thereof, except in consequence of the breach of some

one or more of the conditions of his tenancy or upon the determination of the tenancy by a notice to quit given under the following provisions of this subsection;

- (b) the landlord shall have a right to determine the tenancy in the whole or any part of the holding (whether during the continuance of a statutory term in the tenancy or not) by giving to the tenant six months' notice to quit terminating either on the first day of March or on the first day of November in any year, and a notice so given shall not be withdrawn;
- (c) if the landlord determines a tenancy as aforesaid, he shall at the expiration of the notice to quit pay to the tenant compensation of an amount calculated as follows—

If the notice is given before the expiration of ten years from the passing of this Act, an amount equal to thirty times, and if the notice is given after the expiration of the said ten years, an amount equal to thirty-five times, the rateable value of the holding, or the part thereof comprised in the notice, and any buildings thereon.

Provided that where, before the passing of this Act, any buildings have been erected upon the holding or the part thereof comprised in the notice, the tenant or the landlord may at any time before the expiration of the notice apply to the civil bill court to determine the amount of compensation to be paid in respect of such buildings, and the civil bill court shall determine the amount of compensation by reference to the increase in the value of the holding fairly attributable to the buildings; and in that case the amount of compensation shall be calculated according to the foregoing provisions of this paragraph in respect of the holding (or the part thereof comprised in the notice) apart from such buildings, with the addition thereto of the amount determined by the civil bill court as compensation in respect of such buildings.

For the purposes of this section, the rateable value of a holding or part of a holding means the annual rateable value thereof as shown in the revised valuation lists in force under the Irish Valuation Acts at the time when the notice is given, or, if that value is not separately shown in those lists, the amount certified by the Commissioner of Valuation to be the annual rateable value, and the expression "civil bill court" means the civil bill court of the county or borough where the holding (or the part thereof comprised in the notice) is situate; and where the holding or such part thereof is situate within the jurisdiction of more than one civil bill court, any civil bill court within the jurisdiction of which any part of the land or buildings affected is situate, may determine an application under this paragraph;

Any person aggrieved by any decision of the civil bill court under this section may appeal to the Court of Appeal in Northern Ireland, and the decision of that court shall be final;

- (d) where the landlord determines the tenancy in a part only of the holding, the tenant shall be entitled to a reduction of rent which shall, in the absence of agreement, be proportionate to the amount by which the rateable value of the part of the holding comprised in the notice to quit is less than the rateable value of the entire holding;

Provided that, if there are buildings on the holding, the amount of the reduction shall in the absence of agreement be determined by the civil bill court on the application of the landlord or tenant:

- (e) the right of a landlord to determine a tenancy under this section shall be without prejudice to any right of the tenant, under section eight of the Landlord and Tenant (Ireland) Act, 1870, to compensation in respect of crops.
- (2) Nothing in this section shall affect any agreement, arrangement, or compromise made or arrived at before the twentieth day of December, nineteen hundred and twenty-eight, during the hearing of, or in connection with, any objection made to a provisional list under section seventeen of the Act of 1925 by reason of the inclusion or non-inclusion of a holding in such list.
- (3) So much of section five and of subsection (3) of section eight of the Land Law (Ireland) Act, 1881, as, relates to the power of the court to authorise the resumption of a holding on the application of the landlord and subsection (2) of section twenty-three of the Act of 1925, shall not apply in the case of a tenancy to which this section applies, and the Landlord and Tenant (Ireland) Act, 1870 (except section eight thereof) and any Acts amending the same, so far as they provide for compensation being paid by the landlord to the tenant, and the Notices to Quit (Ireland) Act, 1876, shall not apply where a landlord gives a notice to quit in the manner authorised by this section.

8 Short title and construction.

- (1) This Act may be cited as the Northern Ireland Land Act, 1929, and shall be construed as one with the Land Purchase Acts, and may be cited with those Acts.
- (2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.