CHAPTER 47.

An Act to make provision respecting certain Arrears of Rent in Ireland. [18th August 1882.] A.D. 1882

BE it enacted by the Queen'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:

PART I.

Settlement of Arrears of Rent.

Settlement by Land Commission of arrears of rent.

1. (1.) In the case of any holding to which the Land Law (Ireland) Act, 1881, applies, and which is valued under the Acts relating to the valuation of rateable property in Ireland at not more than thirty pounds a year, if on the application of the landlord and the tenant of such holding, or of either of them after ten days notice in the prescribed manner by the landlord or his agent to the tenant, or by the tenant to the landlord or his agent, the following circumstances (in this Act referred to as preliminary conditions) are proved to the satisfaction of the Irish Land Commission, namely,—

(*a.*) That the rent payable in respect of the year of the tenancy expiring on the last gale day of the tenancy in the year one thousand eight hundred and eighty-one (which year of the tenancy is in this Act referred to as "the year expiring as aforesaid") has been satisfied on or before the thirtieth day of November one thousand eight hundred and eighty-two; and

(*b.*) That antecedent arrears of rent are due to the landlord; and

(*c.*) That the tenant is unable to discharge such antecedent arrears, without loss of his holding, or deprivation of the means necessary for the cultivation thereof,

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the Irish Land Commission (in this Act referred to as the Land Commission) may make an order for the payment to or for the benefit of the landlord of a sum equal to one half of such antecedent arrears, subject to the limitation that the sum so paid shall not exceed the yearly rent payable in respect of the holding for the year of the tenancy next preceding the year expiring as aforesaid: Provided that for the purpose of application under the provisions of sections two, ten, and thirteen respectively of this Act, the Land Commission may in respect of such notice extend the periods in the said sections respectively mentioned for any time not exceeding ten days.

(2.) On such order for payment to or for the benefit of the landlord being made by the Land Commission, all such antecedent arrears of rent shall, subject as herein-after mentioned, be released and extinguished, and any judgment, decree, or security for the rent of the holding, and any judgment or decree for the recovery of the holding on account of the non-payment of rent, shall be vacated so far as regards any rent due in respect of the holding before the last gale day in the year expiring as aforesaid, but shall not be vacated so far as regards any rent subsequently accrued due, or any costs due in pursuance of such judgment, decree, or security: Provided that in the event of a sale of the tenancy within seven years from the making of such order the arrears of rent dealt with by such order and not satisfied by payment or remission shall, to an amount not exceeding one year of such arrears nor one half of the proceeds of such sale, be a sum payable to the landlord out of such proceeds within the meaning of the Land Law (Ireland) Act, 1881. For the purposes of this Act the saleable value of the tenant's interest shall, so far as the Commissioners think it reasonable, be taken into account in ascertaining whether the tenant is unable to discharge such antecedent arrears.

44 & 45 Vict. c. 49.

(3.) All payments on account of rent made by the tenant to the landlord in or subsequent to the year expiring as aforesaid, but before the thirtieth day of November one thousand eight hundred and eighty-two, shall be deemed to have been made on account of the rent payable in respect of the year expiring as aforesaid, to the extent to which the rent for that year had at the time of such payment accrued due, provided that where it appears that, according to the ordinary course of dealing between the landlord and tenant of a holding, the rent of such holding has usually been paid on some day after the day on which it became legally due, the usual day of payment shall be deemed, for the purposes of this sub-section, to be the time at which the rent accrued due.

(4.) A remission by the landlord of the whole or any part of the rent payable in respect of the year expiring as aforesaid shall be deemed to be a satisfaction of the amount of rent so remitted; provided that no remission made for any previous year shall be credited to the year expiring as aforesaid.

(5.) The Land Commission, if satisfied on the occasion of any application made under this Act that it is just so to do, may authorise the tenant to make to the Land Commission any payments on account of the rent payable in respect of the year of the tenancy expiring as aforesaid which the tenant might otherwise have made to the landlord, and such payment shall for the purposes of this Act be deemed to have been made to the landlord, and the Land Commission shall, having first given public notice in the prescribed manner, cause any sum so paid by the tenant to be paid to the person appearing to such Commission to be entitled thereto as landlord.

(6.) Any money payable under this Act by the Land Commission to the landlord shall be paid to the person entitled as landlord without cost, except so far as may be caused by disputed title or by the person so entitled failing to comply with the rules for the time being in force relating to the payment of such money: Provided always, that where two or more parties are entitled to the arrears, the Land Commission shall have power to decide the rights of the parties, and the proportion in which the sums so ordered to be paid to or for the benefit of the landlord shall be divided amongst them.

Modification in case of evicted tenant when restored to holding.

2. Any tenant evicted from his holding for nonpayment of rent, or whose tenancy has been purchased for the landlord at any sale under and by virtue of any writ of execution founded upon a judgment obtained by the landlord for an arrear of rent due in respect of such holding, may, if his landlord agrees to reinstate him, apply, with the consent of his landlord in the prescribed manner, during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted or his tenancy had not been sold.

Any tenant evicted for nonpayment of rent whom the landlord does not agree to reinstate, but who is entitled to apply for a writ of restitution in pursuance of the seventy-first section of the Landlord and Tenant Law Amendment Act (Ireland), 1860, may apply during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted, and on an application being made to the court having cognizance of the case for a writ of restitution, that court shall deal

23 & 24 Vict. c. 154.

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with the case as if the tenant had paid all arrears of rent up to the last gale day in the year expiring as aforesaid, and on compliance by the tenant with the other conditions of the said Act of 1860 the court may order his restitution: Provided that an order of the Land Commission under this section shall not take effect until and unless the tenant is restored to his holding.

For the purpose of enabling any such evicted tenant to make an application to the Land Commission under the first section of this Act, the Land Commission shall have power, on application made by him within six months from the time of eviction, and during the time limited for applications under this Act, to enlarge the time during which he may redeem his tenancy for a period not exceeding three months, subject to such terms and conditions as may seem just.

Application of Act to existing leases.

3. This Act shall apply to holdings subject to existing leases within the meaning of section twenty-one of the Land Law (Ireland) Act, 1881, in like manner as it applies to any other holding.

PART II.

Supplemental Provisions.

Powers of Land Commission.

44 & 45 Vict. c. 49.

4. For the purposes of this Act the Land Commission may exercise all such powers vested in them for the purpose of the execution of the Land Law (Ireland) Act, 1881, as are referred to in the first schedule to this Act, and shall have full jurisdiction to hear and determine all matters, whether of law or fact, that may be required to be determined by them for the purposes of this Act, and they shall have power to retain in their hands any moneys which may be payable to a landlord until they have decided to whom such moneys are legally payable, and they shall in respect of such moneys have all the powers vested in the

33 & 34 Vict. c. 76.

court by the thirty-seventh section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the distribution of purchase moneys, in the same manner as if the moneys so payable to the landlord were purchase moneys.

The Land Commission shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

The Land Commission may of its own motion, or shall on the application of any party to any proceeding pending before it unless

it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

Delegation of powers of Land Commission. 44 & 45 Vict. c. 49.

5. The Land Commission may from time to time by rule under this Act or by any special order delegate any power or duty under this Act, except the power of making rules or appointments, to the Civil Bill Court or to any Sub-Commission, or any member of the Land Commission, or any member of a Sub-Commission being a barrister-at-law or solicitor, and every Court, Sub-Commission, or member of the Land Commission or Sub-Commission to whom such power or duty shall be delegated, shall, in reference thereto, and subject to an appeal on matter of law to the Land Commission on and in such conditions and circumstances as may be prescribed, have all the powers of the Land Commissioners.

The Land Commission may, from time to time, with the assent of the Treasury, appoint fit persons possessing such qualifications as may be prescribed by the Treasury to investigate and report as to the existence or non-existence in the case of holdings of the preliminary conditions required to be proved for the purpose of orders under this Act and as to the values of such holdings, and the Land Commission may adopt any such report, or any part thereof, as may seem expedient, and may from time to time direct a fresh investigation to take place, or may themselves take evidence in respect of the subject matter of such investigation.

Any person or persons appointed in pursuance of this section may for the purposes of the investigation administer an oath.

The Commissioners of Her Majesty's Treasury may be represented on any inquiry under this Act by any person nominated by them for such purpose.

Incorporated provisions of 33 & 34 Vict. c. 46.

6. In the case of any persons interested in any matter arising under this Act, the provisions of sections fifty-nine, sixty, and sixty-one of the Landlord and Tenant (Ireland) Act, 1870, as to administration on the death of a tenant, and as to provision for married women, and as to provision for other persons under disability, shall apply to any proceedings under this Act in the same manner as if the said sections were herein enacted, and in terms made applicable to this Act.

Punishment of fraudulent claim.

7. If in any proceeding under this Act any person concerned in such proceeding as principal or agent, with intent to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document, or of any fact, or produces or is privy

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to the production of any false evidence, the person so offending shall be guilty of a misdemeanour, and upon conviction shall be liable, in the discretion of the court, either to imprisonment for a term not exceeding two years, with or without hard labour, or to a fine not exceeding five hundred pounds.

Any sum paid by the Land Commission in respect of any false claim shall be a debt due to the Crown from the person on behalf of whom it is paid.

Charge of liabilities under Act on Irish Church Temporalities Fund and Consolidated Fund.

8. Any liabilities incurred by the Land Commission on account of payments to landlords in respect of arrears of rent under this Act shall be primarily a charge on the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund in such manner as may hereafter be provided by Parliament.

The Irish Church Temporalities Fund means the fund under the control of the Land Commission under the provisions of the Irish Church Act Amendment Act, 1881.

44 & 45 Vict. c. 71.

Definition of landlord.

9. The expression "landlord" in relation to a holding means, for the purposes of this Act, any person for the time being entitled to receive the rents and profits of such holding.

Limit of time.

10. An application under this Act shall not be made by any landlord or tenant after the last day of December one thousand eight hundred and eighty-two, except by leave of the Land Commission, and in no case after the thirtieth day of April one thousand eight hundred and eighty-three, and the Land Commission shall grant such leave only in cases where it is proved to their satisfaction that injustice would be done in case leave were refused.

Exclusion of tenants of holdings of an aggregate valuation exceeding thirty pounds.

11. An order under this Act shall not be made in the case of a holding the tenant of which is possessed of two or more holdings in Ireland to which the Land Law (Ireland) Act, 1881, applies, and the valuation of which under the Acts relating to the valuation of rateable property in Ireland amounts in the whole to more than thirty pounds a year.

And the question as to whether the tenant of any holding in respect of which an application may be made under this Act is or is not possessed of such holdings as are in this section in that behalf mentioned may be investigated and reported on by any person appointed under this Act to investigate and report on the preliminary conditions for an order under this Act.

Holding valued as part of larger tenement.

12. Where a holding, as defined by the Land Law (Ireland) Act, 1881, is not separately valued, but forms part of a larger parcel of land valued as one tenement under the Acts relating to the valuation of rateable property in Ireland, such holding shall be deemed

to be a separate holding for the purposes of this Act, and to be valued under the said Acts at such proportion of the sum at which the whole of the said tenement is valued as the rent of the holding bears to the rent of the whole of the said tenement.

Suspension of proceedings.

13. Where any proceedings for the recovery of the rent of a holding to which this Act applies, or for the recovery of such holding for non-payment of rent on account of the rent in respect of the year expiring as aforesaid and antecedent arrears, have been taken before or after an application under this Act in respect of such holding, and are pending before such application is disposed of, the court before which such proceedings are pending shall, if the provisions of section one, sub-section (*a.*), have been complied with, and on such terms and conditions as the court may direct, postpone or suspend such proceedings until the application under this Act has been disposed of.

Evidence.

14. Evidence required for the purposes of this Act shall, whenever practicable, be taken upon oath, and may be either oral or by affidavit, and affidavits of the landlord, or his agent, and the tenant may be accepted as primâ facie evidence of all or any of the preliminary conditions or other matters.

Affidavits for the purposes of this Act may be taken and sworn before any person authorised by this or any other Act to administer an oath.

Cancellation of certain rentcharges under 44 & 45 Vict. c. 49. s. 59. in repayment of advances for arrears of rent.

15. Whereas by section fifty-nine of the Land Law (Ireland) Act, 1881, it is provided, that where it appeared to the Court, on the joint application, made on or before the twenty-eighth day of February one thousand eight hundred and eighty-two, of the landlord and tenant of any holding valued at a sum not exceeding thirty pounds a year, that the tenant had paid the whole of the rent payable in respect of the year of the tenancy expiring on the gale day next before the twenty-second day of August one thousand eight hundred and eighty-one, and that antecedent arrears were due, the Land Commission might make in respect of such antecedent arrears an advance of a sum not exceeding one year's rent of the holding and not exceeding half the antecedent arrears, and thereupon the Court should by order declare the holding to be charged with the repayment to the Land Commission of the said advance by a rentcharge payable and calculated as in the said section mentioned:

And whereas in pursuance of the said section divers advances have been made in respect of the arrears of rent on divers holdings, and such holdings have been charged with the repayment of the

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said advances by such rentcharges as in the said section mentioned, and it is expedient to amend the said section: Be it therefore enacted as follows:

Where in pursuance of section fifty-nine of the Land Law (Ireland) Act, 1881, an advance has been made, before the passing of this Act, towards the payment of the arrears due in respect of any holding, and a rentcharge has been charged on such holding for the repayment of such advance, the Land Commission, if it is proved to their satisfaction on the application of either the landlord or the tenant of the holding that the tenant was, at the date of the said advance being made, unable to discharge the arrears in respect of which the advance was made, may by order cancel the said rentcharge, and the same shall cease to be payable, whether by the landlord or the tenant, as from the last day appointed for payment of the same next before the date of the order, and the amount of the said advance shall be a charge on the Irish Church Temporalities Fund.

Arrears of rent how dealt with.

16. Where it appears to the Land Commission, on the joint application of the landlord and tenant of any such holding valued at a sum not exceeding fifty pounds a year, that the tenant has paid the whole (or such sum as the landlord may be willing to accept in full discharge of the whole) of the rent payable in respect of the year of the tenancy expiring as aforesaid, and that the tenant has obtained a receipt in full for such rent, and that antecedent arrears are due, the Land Commission may make to the landlord, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with the repayment of the advance to the Land Commission, by a rentcharge payable half-yearly on the first day of January and the first day of July during the thirty-five years from the date specified in the order, and calculated at the rate of five pounds by the hundred, by the year, of the advance.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding, except quit-rent and crown rent, and sums payable to the Commissioners of Public Works, and shall be payable by the tenant of the holding for the time being, and shall be levied and collected in manner herein-after provided; and in the event of the tenant failing to pay any half-yearly instalment of the said charge for the space of twelve months after the same shall have accrued due, then and in every such case the amount of such instalments, together with the entire of the unpaid residue of such charge, with interest as ascertained by the

Land Commission, shall forthwith be payable by the tenant, and the amount thereof shall be raised by sale of the tenancy in the prescribed manner.

The half-yearly instalments of such charge shall be from time to time collected by the collector authorised to collect poor rate in the electoral division in which such holding is situate; and for the purpose of such collection every collector shall have all such powers and authorities as he shall for the time being possess for collecting and recovering poor rate, and shall and may collect and levy the same accordingly from the tenant liable to pay the same, notwithstanding that such tenant may not be liable to pay poor rate.

For the purpose of such collection the Land Commission shall, in each half-year, transmit to the clerk of every union, within which any holding or holdings charged as aforesaid shall be situate, a warrant under the seal of the Land Commission, setting forth the names of the tenants within such union liable to pay such charges or the instalments thereof, and the amount due by each respectively, and such warrant shall be judicially noticed in all proceedings in court, and shall be conclusive evidence of the arrears due by such tenants respectively, and of their liability to pay the same.

The collector shall be paid by the Land Commission such remuneration, not exceeding one shilling in the pound of his collection, as the Land Commission, with the consent of the Treasury, may determine, and the clerk of the union may be paid such remuneration (if any) as the Land Commission may with the like consent determine.

Every such collector shall pay and account for the sums collected or collectable by him under this Act to the guardians of the union in which such holding is situate in the prescribed form; and the guardians shall transmit the amounts from time to time received by them as aforesaid to the Land Commission under the prescribed regulations.

In the event of such default by the tenant for the space of twelve months as aforesaid, it shall be lawful for the county court of the county in which the holding is situate, on the application of the Land Commission, to order a sale of such tenancy, which shall be sold, and the proceeds of such sale dealt with by the said county court in the prescribed manner.

If the proceeds of any such sale fail to realise the amount ascertained by the Land Commission as aforesaid, together with the cost of sale, the amount of the deficiency shall be paid by the

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landlord of the said holding, and shall be a charge upon his estate and interest therein, and shall be collected and levied in the prescribed manner: Provided, that on any transfer of the tenant's interest in the holding by sale, the principal sum and interest, if any, remaining due to the Land Commission, shall be paid out of the purchase money to the Land Commission.

On the order of the Land Commission being made as aforesaid in relation to any holding such antecedent arrears shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant in or subsequent to the year expiring as aforesaid shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for that year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord the advance made under this section shall be rateably distributed amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the periods mentioned in the tenth clause aforesaid.

The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from the Land Commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act or the Landlord and Tenant (Ireland) Act, 1870, or the Land Law (Ireland) Act, 1881, in relation to such holding.

The Land Commission shall, at such time after the expiration of each period of twelve months as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rentcharges payable to them under this section as they have failed to recover at the expiration of the said period.

Whenever, in the case of any tenant evicted for non-payment of rent, or in case the holding of the tenant has been sold and purchased by the landlord, and possession taken thereof by him, since the first day of May one thousand eight hundred and eighty, the landlord agrees to reinstate such tenant on the terms in this section set forth, this section shall apply as if such tenant had not been so evicted from his holding.

Exemption in respect of public charges upon

17. Where, in the case of a holding of which any person is owner, antecedent arrears of rent due in respect of any year or years, or portion of a year, have been extinguished in pursuance

of this Act, and any public charge or tax accrued during such year or years, or portion of year or years, is due from such person as or in consequence of his being owner of such holding, then, on proof to the satisfaction of the Land Commission that the owner has, during such time as aforesaid, received no rent, or an amount of rent less than the full rent, such public charges or taxes shall, if no rent has been received, be wholly remitted, and if an amount of rent less than the full rent has been received, be remitted in proportion to the amount of rent not received.

arrears of rent extinguished.

Where a person has paid any public charges or taxes which, if not paid, would be remitted under this section, the amount which would have been so remitted shall be allowed as a deduction from any future payment or payments of the public charges or taxes of the same description, or may be recovered as a debt from the authority to whom it may have been paid.

Any payment which an owner may receive under this Act in respect of arrears of rent shall, for the purposes of this section, be taken into account as rent.

The Land Commission shall ascertain, for the purposes of this section, in such manner as they think best calculated to ascertain the truth, the amount of public charges or taxes due in any year or portion of a year from a person as or in consequence of his being owner of a holding.

"Public charges or taxes" means tithe rentcharge payable to the Land Commission, income tax, quit-rent, or any of such charges or taxes.

PART III.

Emigration.

Power of guardians to borrow for emigration.

18. From and after the passing of this Act, the board of guardians of any union in Ireland are authorised to borrow money for the purpose of defraying or assisting to defray the expenses of the emigration of poor persons resident within their union, or any electoral division thereof, in manner provided by the Poor Law Amendment (Ireland) Act, 1849, as amended by subsequent Acts, subject to the following modifications; (that is to say),

12 & 13 Vict. c. 104.

(1.) The provisions of the said Act in relation to the repayment of the advance by annual instalments shall not apply;

(2.) The advances may be made by the Commissioners of Public Works out of any moneys granted to them for the purpose of loans in place of the Public Works Loans Commissioners;

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(3.) Every such advance made by the Commissioners of Public Works shall bear interest at the rate of three-and-a-half per centum per annum, or at such other rate as the Treasury may from time to time fix, in order to enable the advance to be made without loss to the Exchequer;

(4.) Every such advance made by the Commissioners of Public Works, and the interest thereon, shall be repaid within such period from the date of the advance, not being less than fifteen years nor more than thirty years, as the Treasury may from time to time fix.

For the purposes of this Act the Poor Law Amendment (Ireland) Act, 1849, means the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter one hundred and four.

Orders for payment of loans may be made by Local Government Board.

19. If at any time the Commissioners of Public Works in Ireland certify that any sum remains due to them from the board of guardians of any union on account of any loan or advance made under this Act, and is then payable to the Commissioners, the Local Government Board shall, by order under their seal, require the guardians of the union to pay the sum so certified, and shall send copies of such order to the board of guardians and to the treasurer of the union; and thereupon the treasurer of the union shall, out of any money then in his hands to the credit of the guardians, or if such money is insufficient for the purpose, then out of all moneys subsequently received by him on account of the guardians, pay over the amount mentioned in the order to the Commissioners of Public Works. The guardians of the union shall debit the several electoral divisions with such proportions of that sum as may be payable by such electoral divisions respectively.

Grants in aid of emigration.

20. The Treasury may from time to time authorise the Commissioners of Public Works to make, subject to the regulations of the Treasury, grants to the board of guardians of any union, or such other body or persons and on such terms as the Lord Lieutenant may approve, for emigration purposes.

The moneys so granted shall be applied in accordance with the said regulations for the same purposes as moneys borrowed under the provisions of this Act.

The sums granted by the Commissioners of Public Works shall not exceed one hundred thousand pounds in the whole, and the sums granted shall not exceed five pounds per each person.

Such grants shall only be made for the benefit of the unions mentioned in the second schedule to this Act, and of such other

unions or electoral divisions as may from time to time be settled by the Local Government Board, with the consent of the Lord Lieutenant: Provided that such unions are situate wholly or in part in some county specified in the schedule to the public notice issued by the Commissioners of Public Works in Ireland on the twenty-second day of November one thousand eight hundred and seventy-nine, that is to say, the counties of Donegal, Clare, Cork (West Riding), Kerry, Galway, Leitrim, Mayo, Roscommon, and Sligo.

Each grant shall only be made on the recommendation of the Lord Lieutenant, stating that the Lord Lieutenant is satisfied that the guardians of the union are unable, without unduly burdening the ratepayers, to make adequate provision, by borrowing under the powers conferred upon them by this Act, or otherwise, for the emigration purposes of the union, and that proper arrangements have been made for securing the satisfactory emigration of such persons.

The money required for the purpose of grants under this section shall be paid by the Land Commission to the Commissioners of Public Works, and shall be part of the liabilities of the Land Commission, and be a charge primarily upon the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund, in such manner as may be provided by Parliament.

Rules.

21. The Lord Lieutenant may from time to time make provision that arrangements shall be made for securing the satisfactory emigration of persons for whom means of emigration are provided under this Act, by prescribing rules in relation to such matters, and for the employment of special agents for that purpose, and otherwise as he thinks expedient. And any grants made under this Act for emigration purposes shall be applicable to defraying the expenses of such arrangements in such manner as the Lord Lieutenant directs.

Power to appoint an additional member of the Land Commission.

22. In addition to the three persons named as commissioners in the Land Law (Ireland) Act, 1881, the Right Honourable the Viscount Monck is hereby constituted a member of the Irish Land Commission, at a salary of three thousand pounds a year, and for the term of two years from the passing of this Act.

Save as aforesaid, the provisions of the Land Law (Ireland) Act, 1881, which relate to the members of the Irish Land Commission, other than the Judicial Commissioner, shall apply to the said the Right Honourable the Viscount Monck, and to every person appointed as herein-after provided to a vacancy in his office, as if

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he had been named in the said Act a member of the Land Commission other than the Judicial Commissioner.

If and so often as during the said term of two years any vacancy occurs in the office of the said the Right Honourable the Viscount Monck by the death, resignation, inability to act, or otherwise, of the said the Right Honourable the Viscount Monck, or any person appointed in his place, Her Majesty may by warrant under the sign manual appoint some fit person to fill such vacancy; but the person so appointed shall only continue in office until the expiration of the said term of two years: Provided, that any act or matter which under the said Act shall be done or performed, or may be done or performed by three Land Commissioners sitting together, shall and may after the passing of this Act be in like manner done or performed by three of the Land Commissioners.

Rules for carrying Act into effect.

23. The Land Commission shall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them:

(1.) The tribunal, whether Land Commission, civil bill court, sub-commission, or member of the Land Commission or a sub-commission by which such applications are to be heard:

(2.) The mode of making applications under this Act, and the manner in which the tenant shall set out any property or effects of which such tenant may be possessed or entitled to, and which would be applicable to the satisfaction of any arrears of rent, and the conduct of proceedings before any tribunal hearing applications under this Act:

(3.) The conditions and circumstances on and in which appeals may be had to the Land Commission where applications have not been heard by the Land Commission:

(4.) The mode in which the expenses of hearing any application under this Act or of any appeal are to be defrayed:

(5.) The attendance and discharge of duties by the officers of the civil bill courts before the Land Commission and sub-commissions when holding sittings under this Act:

(6.) The service of notices on persons interested, and any other matter by this Act directed to be prescribed:

(7.) The mode of collecting, suing for, recovering, and accounting for charges and instalments of charges, and the procedure for the sale of tenancies to raise the amount of such charges, and for dealing with the proceeds of such sales under this Act:

(8.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the Land Commission expedient to make rules for the purpose of carrying this Act into effect.

Any rules made in pursuance of this section shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Short title of Act.

24. This Act may be cited for all purposes as the Arrears of Rent (Ireland) Act, 1882.

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SCHEDULES.

FIRST SCHEDULE.

Powers of Land Law (Ireland) Act, 1881, referred to—
Section 48 (3).
Section 49.

SECOND SCHEDULE.

Unions.

Belmullet.
Newport.
Swinford.
Clifden.
Oughterard.

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Reserve Forces Act, 1882.

[45 & 46 Vict. Ch. 48.]

ARRANGEMENT OF SECTIONS. A.D. 1882.

Preliminary.

Section.
1. Short title.
2. Commencement of Act.

PART I.

Army Reserve.

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