Costs and compensation to be a judgment debt.

5. The amount awarded for such satisfaction or compensation, together with such costs, to be taxed by the proper officer of the court, shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and be recoverable accordingly.

Application to Scotland.

6. In the application of this Act to Scotland the following modifications shall have effect:—

(1.) A court of summary jurisdiction means the sheriff.

(2.) If the complainant or the party charged, as in section three of this Act mentioned, objects to the case being dealt with summarily, it shall be sent for trial by the sheriff with a jury, or by the High Court of Justiciary, as Her Majesty's Advocate shall direct.

(3.) Judgment debt means a civil debt, and such debt may be recovered in any competent court.

Saving.

7. Nothing in this Act contained shall in any way lessen or affect any power or privilege possessed by either House of Parliament, or any power given by statute in the premises.

Short title.

8. This Act may be cited as the Witnesses (Public Inquiries) Protection Act, 1892.

CHAPTER 65.

An Act to amend the Law relating to the Drainage and Improvement of Land in Ireland, and for other purposes. [28th June 1892.]

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:

Short title and application.

1. This Act may be cited as the Drainage and Improvement of Land (Ireland) Act, 1892, and shall extend to Ireland only.

Tenant may by agreement be substituted for proprietor of land in drainage district.

2. Where, in the case of any land included in any drainage district proposed to be constituted pursuant to the provisions of the Drainage Acts, the proprietor of the said land and the person occupying the same as tenant so agree, such tenant shall for the purposes of the said Acts be substituted for the proprietor.

Tenant may be substituted for proprietor by Board of Works in certain cases.

3. If, within the time limited for making objections to the report of the inspector sent by the Board of Works to make inquiries respecting the proposed formation of any drainage district pursuant to the provisions of the Drainage Acts, the proprietor of any land included within the proposed district dissents from or does not assent to the formation of such district, the person occupying such land as tenant may apply to the Board of Works to be substituted for the proprietor for the purposes of the said Acts; and if, after

the Board of Works have served on the said proprietor notice of the said application, the said proprietor does not within a period to be prescribed by such notice assent to the formation of the district, the Board of Works, after hearing any objection made by the said proprietor, and any other person having an estate or interest in the land, and on its appearing to them—

(*a*) that the drainage works proposed to be executed will effect immediately or prospectively an increase in the annual value of the said land proportionate to the sums likely to be charged thereon in respect of the cost of the said works and the maintenance and repair thereof; and

(*b*) that the amount likely to be charged on the said land as aforesaid, or a substantial part thereof, is likely to become payable during the continuance of the tenancy under which the person occupying the said land as tenant holds the same,

and having regard generally to the justice of the case may, if they think fit, by order direct that such tenant shall, for the purposes of the said Acts, other than the right to dissent herein-after mentioned, be substituted for the proprietor of the said land, provided that, notwithstanding such substitution, the proprietor shall retain the right to dissent from the formation of the drainage district, and if he dissents shall be reckoned among the dissenting proprietors for the purpose of the proviso to section four of the Drainage and Improvement of Lands (Ireland) Act, 1878. 41 & 42 Vict. c. 59.

Tenant substituted for proprietor to have rights and liabilities of proprietor.

4. Where in pursuance of this Act the tenant of any land is substituted for the proprietor thereof for the purposes of the Drainage Acts, such tenant, and every person in whom the tenancy under which he holds the said land at the time of such substitution is for the time being vested, shall, save as aforesaid, for the purposes of the said Acts, during the continuance of such tenancy, and in respect of the said land, be vested with all the rights and be subject to all the liabilities and obligations of a proprietor; and the proprietor shall, during the same period, be divested of such rights and exempt from such liabilities and obligations; but on the determination of the said tenancy the subsequent provisions of this Act in that behalf shall have effect.

Mode of service of notices.

5. The notice required to be served on the proprietor of any land in pursuance of the provisions of this Act may be served in like manner as the notice to proprietors referred to in the first sub-section of the sixth section of the Drainage and Improvement of Lands Act (Ireland), 1863, is therein required to be served; provided that where any notice is served on the agent of the person required to be served pursuant to the provisions of the said Acts, or of this Act, such service need not be personal, but may be effected on such agent by leaving the notice at the usual place of abode or at the office or place of business of such agent, or by forwarding the same by post in a prepaid letter addressed to the usual place of abode or the office or place of business of such agent. 26 & 27 Vict. c. 88.

Effect of rentcharges created under Drainage Acts.

6. Where a rentcharge is hereafter created for the repayment of money advanced under the Drainage Acts, then on the cesser or determination of any fee farm grant, lease, or tenancy from year to year, the tenant under which is liable to the payment of such rentcharge, the same shall, notwithstanding anything in the said Acts, be a charge on each successive estate in the land in remainder or reversion according as it comes into possession up to and including the fee simple and inheritance in priority to all charges except quitrents, rentcharges in lieu of tithes, and any charges prior in date and created under any Act for the improvement or drainage of lands.

Application of 44 & 45 Vict. c. 49.

7. For the purposes of this Act the words "tenant" and "tenancy" shall have the same meaning as in the Land Law (Ireland) Act, 1881, and the provisions of that Act respecting the determination of a tenancy shall apply in the case of a tenancy to which the provisions of this Act are applicable.

Amendment of 44 & 45 Vict. c. 49. s. 31, as to advances to occupiers of land.

8. The power given to the Treasury by section thirty-one of the Land Law (Ireland) Act, 1881, to declare the provisions of the Landed Property Improvement (Ireland) Act, applicable to advances to occupiers under that section may be exercised from time to time as occasion requires, and any declaration made under that power may as to any subsequent advance modify any previous declaration so made.

Amendment of 10 & 11 Vict. c. 32. s. 26, as to amount of loan.

9. Notwithstanding anything in section twenty-six of the Landed Property Improvement (Ireland) Act, 1847, any loan for the erection of buildings under that Act and under the Acts amending and extending the same may be for any sum not less than fifty pounds.

Power for recovery of drainage charges. 44 & 45 Vict. c. 41.

10. Sub-sections one, two, three, five, and six of section forty-four of the Conveyancing and Law of Property Act, 1881, shall apply to a rentcharge created under the Drainage Acts not exceeding the annual amount of five pounds, whether created before or after the passing of this Act.

Power to apportion liability for maintenance of drainage works. 51 & 52 Vict. c. 39.

11. Where any land is liable to pay a proportion of a maintenance rate under the Drainage Acts or any other Act relating to drainage of land in Ireland, the Board of Works shall have the like power of apportioning that liability between different portions of the land as they have of apportioning a rentcharge under section six of the Public Works Loans Act, 1888, save that the consent of the Treasury shall not be required to any such apportionment, and any such portion of land shall not be liable to the maintenance rate further than is determined by the certificate of the Board of Works setting forth such apportionment.

The persons appointed to collect any maintenance rate shall have for the collection thereof all powers possessed by the collectors of county cess for the collection of that cess, provided that an occupier of land paying rent for the same shall not be liable by virtue of the provisions of this section with respect to the collection

of such rate to pay any larger amount than is for the time being due from him in respect of the rent of the land, and may deduct any amount so paid from any rent payable by him.

Definitions. 26 & 27 Vict. c. 88.

12. In this Act the expression "Board of Works" means the Commissioners of Public Works in Ireland; the expression "Drainage Acts" means the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same, including this Act; and the expression "maintenance rate" means the sum for which a drainage board assesses rates and taxes the proprietors of the land, for the purpose of maintaining and upholding all and singular the drains, water-courses, banks, sluices, flood-gates, tunnels, water-gates, buildings, bridges, and other works, and of supplying all things that may be required to work the same, and for the payment of all necessary expenses of maintenance of works of drainage, water-power, and all other expenses incident thereto, and all costs, charges, and liabilities from time to time properly incurred by them in the execution of the Drainage Acts or any other Act relating to drainage of land in Ireland.