(3) In this Act the expression "London" means the Metropolitan Police District and the City of London.

Short title and extent of Act.

7.—(1) This Act may be cited as the London Cab and Stage Carriage Act, 1907.

(2) This Act shall only apply to London as defined by this Act.

CHAPTER 56.

An Act to facilitate the provision of Land for certain Evicted Tenants in Ireland and for other purposes connected therewith, and to make provision with respect to the tenure of office by the Estates Commissioners. [28th August 1907.]

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:

Power to acquire land compulsorily.

1.—(1) If it appears to the Estates Commissioners that it is expedient to acquire any land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of the land a price which appears to them to represent the value thereof, and he has not within the prescribed time accepted the offer, they may, subject to the provisions as to appeal contained in this Act, acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate.

(2) The expression "the purposes of this Act" means the provision of parcels of land for—

(*a*) evicted tenants to whom this Act applies, that is to say, persons mentioned in paragraph (*d*) of subsection one of section two of the Act of 1903, who, or whose predecessors, were evicted from their holdings before the passing of the said Act in consequence of proceedings taken by or on behalf of their landlords, and who made application to the Estates Commissioners before the first day of May nineteen hundred and seven to be put in occupation of holdings, and whom those Commissioners consider to be fit and proper persons to become purchasers under the Land Purchase Acts, not exceeding two thousand in all; and

(*b*) new tenants to whom this Act applies, that is to say, tenants, and persons nominated by the Estates Commissioners as personal representatives of tenants, of holdings formerly occupied by evicted tenants to whom this Act applies.

(3) No tenanted land shall be acquired compulsorily unless it is in the occupation of a new tenant to whom this Act applies, and unless the Estates Commissioners, having regard to all the circumstances of the case, holding, and district, and to the cost involved, consider it expedient that the evicted tenant should be reinstated as a purchaser of that land: Provided that no tenanted land shall be acquired compulsorily which is in the possession or occupation of a bonâ fide tenant using or cultivating the same as an ordinary farmer in accordance with proper methods of husbandry.

(4) No land shall be acquired compulsorily which is subject to an annuity for the repayment of an advance under the Land Purchase Acts.

(5) For the purposes of this enactment a person shall be deemed to be a tenant notwithstanding that he may have agreed to purchase his holding, if the agreement was entered into after the first day of May nineteen hundred and seven, and if the holding has not become vested in him as a purchaser under the Land Purchase Acts.

Provisions respecting acquisition of land and purchase money.

2. Where it is proposed that any land shall be acquired compulsorily under this Act—

(1) The Estates Commissioners shall publish a notice to that effect in the "Dublin Gazette" containing the prescribed particulars with respect to the land, and calling upon any persons interested in the land, who may object to the acquisition thereof under this Act, to lodge in the office of the Land Commission, within the prescribed period, a statement of the grounds of their objection:

(2) A copy of the aforesaid notice shall be served by the Estates Commissioners as soon as may be, in the prescribed manner, upon the person who appears to them to be the owner of the land, and upon all persons known or believed by them to be interested therein:

(3) At any time after the publication of the aforesaid notice, any inspectors and other persons appointed by the Estates Commissioners may enter upon the land, and do all such things as may be necessary for the purpose of enabling the Commissioners to determine whether the land is suitable for the purposes of this Act and to estimate the price thereof:

(4) If it appears to the Estates Commissioners, after considering the report of their inspectors and any objections to the acquisition of the land lodged as aforesaid, that the land is suitable for the purposes of this Act, and that no valid objection has been raised to such acquisition, they may, if they think fit, make an offer to the person appearing to them

to be the owner of the land for the purchase thereof at such price as appears to them primâ facie to be a reasonable price:

(5) The Estates Commissioners shall, upon making such offer, give notice in the prescribed manner to all persons known or believed by them to be interested in the land of their intention to acquire the same at the aforesaid price, unless within the prescribed period a petition is presented to the Land Commission by any person interested praying that the land shall not be so acquired without further inquiry:

(6) If no petition has been presented, or if every such petition has been withdrawn, the purchase money shall, within six months after the expiration of the time limited for the presentation of petitions, be paid into the Bank of Ireland by the Land Commission and the Estates Commissioners shall make an order vesting the land in the Land Commission:

(7) If a petition has been presented, and has not been withdrawn, the petition and all questions arising thereon shall, subject to the provisions of section twenty-three of the Act of 1903 with respect to questions of law, be heard and determined by the Estates Commissioners, or any two of them, and their decision shall, subject to the provisions of this section, be final:

(8) Any person aggrieved by any determination of the Estates Commissioners, fixing the price of the land proposed to be acquired, may within the prescribed time appeal to the Judicial Commissioner, who shall hear in the prescribed manner and determine the appeal:

(9) The powers conferred upon the Land Commission by section forty-eight of the Land Law (Ireland) Act, 1881, may be exercised by the Judicial Commissioner in the case of all proceedings coming before him in pursuance of the last preceding subsection:

44 & 45 Vict. c. 49.

(10) The powers and duties of the Judicial Commissioner under this section shall not be exercised and performed by any other judge appointed as an additional Judicial Commissioner save during the absence through illness of the Judicial Commissioner:

(11) Any person aggrieved by any determination of the Estates Commissioners of a question arising under the provisions of this Act imposing restrictions on the acquisition of land may, within the prescribed time, appeal, at his option, either to the Judge of Assize of the county in which the land is situate, or to a Judge of the King's Bench Division of the High Court placed on a rota for the purposes of this Act:

(12) The Judge shall have power to hear and determine all questions of law and fact arising on any such appeal (other than a question of law referred to the Judicial Commissioner under section twenty-three of the Act of 1903), and may make such order as to costs as he may think fit, and his decision on all questions heard by him shall be final:

(13) Rules of the Supreme Court shall provide for the forming of a rota for the purposes of this Act, and for the procedure to be adopted on the hearing of any such last-mentioned appeals, and for the consolidation and transfer where necessary of such appeals:

(14) Subject to the determination of all questions arising on the petition, the purchase money shall, within the prescribed time, be paid into the Bank of Ireland, and the vesting order shall be made, unless the Estates Commissioners, within the prescribed time, serve a notice on the person appearing to them to be the owner of the land that they do not intend to make the order.

Publication of proceedings and returns.

3.—(1) The Estates Commissioners shall publish particulars of all cases in which an evicted tenant, or a person nominated by them to be the personal representative of a deceased evicted tenant, has been or may be hereafter, with their assistance, reinstated as a purchaser of his or his predecessor's former holding or provided with a new parcel of land under the Land Purchase Act.

(2) Such particulars shall be in the form of a quarterly return, which shall be laid before Parliament as soon as may be after it is made, and shall contain such particulars of each case as may be prescribed, including the particulars set forth in the schedule to this Act, if and so far as it may be practicable to furnish the same.

Power to determine tenancies.

4.—(1) Where the Estates Commissioners have acquired any tenanted land under this Act, they may serve in the prescribed manner a notice on any new tenant thereon, which shall have the effect of determining the tenancy in the holding in his occupation as from the date mentioned in the notice, not being less than six months from the service thereof and ending either on the first day of May or on the first day of November.

(2) Unless the new tenant has applied for compensation as herein-after mentioned, the Estates Commissioners shall, within three months from the service of the aforesaid notice, offer to put the new tenant forthwith into possession of a parcel of land which will be subject to an annuity under the Land Purchase Acts not exceeding in amount the rent payable by him for the said holding, and which is, in the opinion of the Estates Commissioners, of not less value, in respect of the land comprised therein, than the value of the land comprised in the said

holding, and which, in the opinion of the said Commissioners, is as suitably provided with buildings and other requirements as the said holding, and shall at the same time offer to such new tenant such sum as may be reasonably necessary to cover any expense or loss incidental to the removal of himself and his family as well as of his crops, stock, and other chattels to such parcel of land.

(3) If the new tenant is dissatisfied with the parcel of land offered to him, or refuses to enter into possession thereof, the Estates Commissioners shall, after hearing him, or giving him an opportunity of being heard, award such sum as appears to them to be full compensation for his interest in the said holding in like manner as if the holding had been resumed by the landlord under the powers in that behalf conferred by section five of the Land Law (Ireland) Act, 1881.

(4) Where the new tenant applies within the prescribed time for compensation under the last preceding subsection, the Estates Commissioners may, if they think proper, award him such compensation without having offered to put him into possession of a parcel of land.

(5) A tenant to whom compensation has been awarded under this section shall not be compelled to quit his holding until the amount of compensation due to him has been paid or deposited in the prescribed manner.

(6) Where a new tenant is put into possession of a parcel of land the Estates Commissioners may order that such charges, liabilities and equities, as affected the tenant's interest in the former holding, shall either continue to affect that holding or be transferred to the said parcel of land.

Expenses in relation to improvement of land, &c.

5.—(1) Any expenses incurred or compensation payable by the Estates Commissioners in relation to land acquired under this Act in the exercise of the powers conferred by section twelve of the Act of 1903, or by the provisions of this Act relating to the determination of tenancies, shall be paid out of the reserve fund mentioned in section forty-three of the Act of 1903, and, if and so far as that fund is insufficient, shall be paid as part of the expenses of the Land Commission.

(2) Regulations under subsection three of the said section forty-three may provide for the repayment to the account of the expenses of the Land Commission of any money paid under the foregoing provisions of this section as part of the expenses of the Land Commission and recovered by way of an increase of price on resale.

(3) All costs and expenses necessarily and properly incurred by any person in respect of a petition, hearing, or appeal under this Act, or by any person having a claim upon the purchase money of land acquired under this Act in the ascertainment of the title to and distribution of that money, shall be paid, as part of the expenses of the Land Commission, to the person who incurred such costs or expenses.

Power to incur loss on resales.

6. If the amount of the purchase money of any land acquired by the Estates Commissioners under this Act is greater than the total amount of the purchase money at which the land could, in the opinion of the Estates Commissioners, if unimproved, be reasonably resold for the purposes of this Act, the Lord Lieutenant may authorise the Estates Commissioners to incur loss on such resale, to such extent as may be determined by him with the assent of the Treasury, and the amount of that loss shall be paid out of the Land Purchase Aid Fund and credited to the Irish Land Purchase Fund in redemption of an equal amount of the original advance: Provided that the total amount paid out of the Land Purchase Aid Fund under this section shall not exceed one hundred thousand pounds.

Restriction on the acquisition of land.

7. No untenanted land shall be acquired compulsorily under this Act which is or forms part of any demesne, home farm, town park, within the meaning of the Land Law (Ireland) Acts, garden, or pleasure ground, or which is the property of a railway or canal company, and which is, or may be, required for the purposes of their undertaking; and in the exercise of the powers for the compulsory acquisition of land conferred by this Act the Estates Commissioners shall, in the case of untenanted land, avoid all interference with the demesne and amenity of residence of the owner of the land, or with any home farm or land immediately adjoining and customarily occupied with his residence, and land shall be selected with due regard to the general situation and convenience of any other property of the owner so as not to diminish the value thereof.

Alternative site.

8. The owner of any land proposed to be acquired under this Act may offer to sell any other land as an alternative, and the Estates Commissioners shall consider any such offer.

Saving of sporting rights.

9. Where any land is compulsorily acquired under this Act all sporting rights theretofore vested in the owner of the land shall, if he so desires, be expressly reserved to him.

Incorporation of 8 Vict. c. 18. s. 91.

10. Section ninety-one of the Lands Clauses Consolidation Act, 1845, which makes provision in case of refusal to deliver possession of lands, is hereby incorporated with this Act, and in construing the said section as so incorporated this Act shall be deemed to be the special Act and the Estates Commissioners shall be deemed to be the promoters of the undertaking.

Restraint on transfer of holdings and protection in case of bankruptcy, &c.

11.—(1) So long as a parcel of land, provided out of land acquired under this Act, and sold to an evicted tenant, is subject to an annuity under the Land Purchase Acts, the interest of the purchaser in the land shall not be transferred on a voluntary sale without the consent of the Land Commission.

(2) No parcel of land purchased by an evicted tenant under the Land Purchase Acts shall be made available in any bankruptcy, or by any other process or proceeding of law, to pay, satisfy, or discharge, in whole or in part, any debt contracted or

incurred by such evicted tenant prior to the date on which the parcel of land became vested in him.

Protection of farm stock, &c.

12. No farming stock or other chattels provided for an evicted tenant by means of a grant or loan under the Act of 1903, shall be made available in any bankruptcy, or by any other process or proceeding of law, to pay, satisfy, or discharge, in whole or in part, any debt contracted or incurred by such evicted tenant prior to the date on which the parcel of land purchased by him became vested in him.

Advances to new tenants.

13. Advances under the Land Purchase Acts may be made for the purchase of parcels of land by any new tenants to whom this Act applies, in like manner as if they were mentioned in section two of the Act of 1903.

Surplus lands.

14. Any land acquired under this Act which is not required for the purposes of this Act, after having been offered to the person from whom it was acquired, may, if the offer is not accepted by him within the prescribed time, be sold under the Land Purchase Acts to any person mentioned in section two of the Act of 1903.

Application of Acts.

15. The Land Purchase Acts shall apply, in the case of land acquired under this Act, in like manner as if the land were purchased by agreement, with the necessary modifications, and in particular the date of the payment of the purchase money into the Bank of Ireland shall be substituted for the date of the purchase agreement, and the provisions of section fourteen of the Land Law (Ireland) Act, 1887, with respect to money paid into the Bank of Ireland, shall apply where money is so paid under this Act, and, in the application of section twenty-three of the Act of 1903, the foregoing provisions of this Act shall be substituted for the provisions of that Act specified in the said section.

Tenure of office by Estates Commissioners.

16.—(1) The Estates Commissioners shall hold office by the same tenure as if they were county court judges in Ireland.

(2) Subsection five of section twenty-three of the Act of 1903 is hereby repealed.

Expenses of improvement in case of land sold to evicted tenant by owner of estate.

17.—(1) Regulations made by the Treasury may provide that where the Land Commission have expended money on the improvement of a parcel of land sold by the owner of an estate to a person mentioned in subhead (*d*) of subsection (1) of section two of the Act of 1903, and the value of the said parcel has in consequence been increased, the National Debt Commissioners may advance to the Land Commission for repayment to the reserve fund, mentioned in section forty-three of the Act of 1903, such sum as represents the increase of value consequent on the improvement, and such advance shall be repaid by the tenant purchaser as if it were an advance made under the Land Purchase Acts for the purchase of the said parcel.

(2) The annuity payable in respect of an advance made in pursuance of this section shall, in accordance with regulations made by the Treasury, be consolidated and made payable with the purchase annuity payable in respect of the purchase money of the parcel of land.

Power to Congested Districts Board to assist evicted tenants.

18. The Congested Districts Board for Ireland may, out of any funds at their disposal, make a free grant to any tenant reinstated by them in a holding, his tenancy in which had been determined, for the purpose of assisting him to rebuild or repair any buildings on the holding, or to purchase stock or seed.

Duration of Act.

19. The provisions of this Act conferring powers for the acquisition of land and for the determination of tenancies shall continue in force for four years after the passing of this Act, and as regards any matters then pending before the Court of Appeal or the Judicial Commissioner until the said matters are finally determined.

Short title, &c.

20. This Act may be cited as the Evicted Tenants (Ireland) Act, 1907, and shall be construed as one with Part One of the Irish Land Act, 1903, in this Act referred to as "the Act of 1903," and may be cited with the Land Purchase Acts.

3 Edw. 7. c. 37.

Section 3.

SCHEDULE.

PARTICULARS OF DECISIONS AND RETURNS.

COUNTY.	Name of Estate on which former holding is situate.	Name of Tenant.	Townland on which former holding is situate.	Date of Eviction.	Annual rent of former holding at date of eviction (as stated in tenant's application).	Annuity payable on purchase holding.	Expenditure sanctioned out of Reserve Fund.				Area.		Poor Law Valuation.	
							Advances repayable as part of Land Purchase Annuities.	Free Grants not repayable.			Former Holding.	New Holding.	Former Holding.	New Holding.
								Buildings and other improvements.	Buildings and other improvements.	Stock, farm implements.	Compensation to outgoing tenants on surrendering holdings.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)