CHAPTER 47.

An Act to further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. [14th August 1896.]

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:

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PART I.

LAND LAW.

Fair Rents

Amendment as to improvements.

1.—(1.) Where the court fix a fair rent for a holding, the court shall ascertain and record in the form of a schedule, unless both landlord and tenant shall otherwise request—

(*a*) the annual sum which should be the fair rent of the holding on the assumption that all improvements thereon were made or acquired by the landlord;

(*b*) the condition as to cultivation, deterioration, or otherwise of the holding and the buildings thereon;

(*c*) the improvements made wholly or partly by the tenant or at his cost, and with respect to each such improvement—

(i) the nature, character, and present capital value thereof, and the increased letting value due thereto;

(ii) the date (so near as can be ascertained) at which the same was made; and

(iii) the deduction from the rent made on account thereof;

(*d*) the extent (if any) to which the landlord has paid or compensated the tenant in respect of each such improvement;

(*e*) the improvements made wholly or partly by or at the cost of, or acquired by, the landlord;

(*f*) such other matters in relation to the holding as may have been taken into account in fixing the fair rent thereof, or as may be prescribed; and

(*g*) the fair rent of the holding;

and the said schedule shall be in the form set out in the First Schedule to this Act, or in such other form as may be prescribed, and a certified copy of the record shall on the prescribed application be sent by post to each party, and the record shall be admissible in evidence on its mere production from the proper custody.

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(2.) Nothing contained in the First Schedule to this Act shall affect the construction of any other portion of this Act.

(3.) No rent shall be allowed or made payable in respect of an improvement made by the tenant on a holding by reason only of the work constituting such improvement not being suitable to the holding.

(4.) For the purpose of the Land Law Acts, as amended by this Act, a tenant shall be deemed to have been fully paid or compensated for every improvement made by him in pursuance of a contract entered into for valuable consideration.

(5.) For the purpose of the Land Law Acts, as amended by this Act, a tenant shall not be deemed to have been paid or compensated for any improvement not made in pursuance of a contract entered into for valuable consideration, except to the extent to which the court, having regard to all the circumstances of the case, are of opinion that valuable consideration has been given by the landlord in respect of the improvement.

(6.) A contract by a tenant not to claim, on quitting his holding, compensation for any improvement made by him shall not authorise the allowance of any rent in respect of any improvement except to the extent to which the court, having regard to all the circumstances of the case, are of opinion that valuable consideration has been given by the landlord in respect of the entering into that contract.

(7.) Section four of the Landlord and Tenant (Ireland) Act, 1870, shall not authorise the allowance of any rent in respect of any improvement, provided that rent may be allowed in respect of an improvement made by the tenant, if made twenty years before the passing of the said Act, and not being a permanent building or reclamation of waste land. 33 & 34 Vict. c. 46.

(8.) For the purpose of this section valuable consideration shall not be held to have been given by reason of the mere letting of the land on lease or otherwise, or the mere enjoyment by the tenant of any improvement where the rent of the holding was not fixed, reduced, abated, or, after the improvement was made, allowed to remain unaltered with the object of recouping the tenant for his expenditure of capital and labour in making the improvement, and in the case of an improvement made in pursuance of a contract entered into for valuable consideration, such object shall be implied where not expressed.

(9.) In assessing the fair rent of any holding no deduction shall be made, except such deductions as shall be specified and accounted for in the said schedule, and are in accordance with the provisions of the Land Law Acts.

(10.) Sub-sections (2) and (4) of section five of the Landlord and Tenant (Ireland) Act, 1870, and in the case of sales after the passing of the Landlord and Tenant (Ireland) Act, 1870, sub-section (1) of the same section shall not have effect in the case of applications to fix a fair rent. 33 & 34 Vict. c. 46.

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Limitation of enactments prohibiting resumption of holding during statutory term.

2. Any enactment prohibiting the resumption of a holding or part of a holding until the expiration of the first statutory term in a tenancy shall not apply where the term began after the commencement of this Act, and either the land resumed is demesne land, or the holding is a town park for which a fair rent is fixed by virtue of this Act.

Statutory term and beginning of judicial rent.

3.—(1.) On the expiration of a statutory term in a present tenancy the tenancy shall continue a present tenancy subject to the same rent and conditions (including the statutory conditions) as during the statutory term, until the tenancy is determined, or a new statutory term for the holding begins, and an application to fix a fair rent may be made at any time during such continuance of the tenancy; and no objection to such application shall be allowed which could have been but was not taken upon the application for a previous judicial rent, or being then taken was overruled.

(2.) Where the court on application fix a judicial rent for a holding, the judicial rent and statutory term shall begin from the gale day next after the date of the application, or, if a preceding statutory term is then current, from any later gale day on which that statutory term expires.

(3.) The judicial rent fixed by order of the court for a holding shall, as from the gale day from which it begins, be the rent payable by the tenant of the holding; and where it differs from the previous rent, whether or not a judicial rent, then in respect of the period which may have elapsed since the gale day from which it began, the difference, if the judicial rent so fixed is higher than the previous rent, shall be paid by the tenant, and if the judicial rent so fixed is lower, may, if it has been actually paid by the tenant, be deducted from any rent subsequently payable by him, unless the judicial rent exceeds fifty pounds a year, in which case the difference may be deducted from any rent subsequently payable by him to the landlord to whom such difference has been paid, or to his personal representatives, or where the estate of such landlord has determined may be recovered from such landlord or his personal representatives. Provided that where the judicial rent does not exceed fifty pounds a year, the amount of any deduction made by the tenant may be recovered from the person to whom the difference was paid, or his personal representatives.

Judicial term in cases of agreements. 44 & 45 Vict. c. 49.

4. In the case of a tenant who applied to the court under section sixty of the Land Law (Ireland) Act, 1881, on the first occasion on which it sat, to have a fair rent fixed, and who, since making that application, has signed an agreement under sub-section (6) of section eight of the said Act, the statutory term so created shall, where the judicial rent has been received as having accrued due from the gale day next after the day on which the Land Law (Ireland) Act, 1881, came into force, be held for the purpose of an application to fix a fair rent to date from that gale day.

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Exclusion of certain holdings.

5.—(1.) The Land Law Acts, except section seven of the Land Law (Ireland) Act, 1881 (which amends the Landlord and Tenant (Ireland) Act, 1870, in respect of compensation for improvements), shall not apply to the following tenancies:—

(*a.*) To a tenancy in any holding which is not substantially either agricultural or pastoral in its character, or partly agricultural and partly pastoral, or the main object of the letting of which was for a residence:

(*b.*) To a tenancy in any holding which substantially consists of—

(i) land being or forming part of a home farm; or

(ii) land which when first demised was demesne, and which the provisions of the contract of tenancy, or the circumstances of the case, show was intended to be preserved as demesne or resumed as demesne by the landlord; or

(iii) land incorporated in a demesne by the tenant, and forming part of a demesne at the time the application to fix a fair rent is made:

(*c.*) To a tenancy in a holding (other than a holding let to be used wholly or mainly for a dairy farm) which is let to be used wholly or mainly for the purpose of pasture—

(i) if it is of the rateable value of upwards of one hundred pounds; or

(ii) if the tenant does not actually reside on the holding, or where the holding adjoins or is ordinarily used with another holding, then on the latter holding.

(2.) Where a distinct and substantive part of the property held under one demise is demesne land, or is not agricultural or pastoral in its character, or is an incorporeal hereditament, and the court consider that that part is not the substantial part of such property, the court may, if they are of opinion that, apart from the fixing of a fair rent, the separation of the property into two parts will not diminish the value of the landlord's interest therein, direct that that part shall thenceforth be, or, if it is an incorporeal hereditament, be treated as, a separate holding, and shall, unless the tenancy has expired, be held at such rent during the continuance of the tenancy as the court determine to be the proper proportion of the rent reserved by the demise, and the court may fix a fair rent for the remainder of the property held under the demise, and the said Acts shall apply to that remainder as if it were a separate holding.

(3.) Where a holding is held by joint tenants or tenants in common, and such tenants have worked and occupied separate portions thereof, and the division of the holding was made prior to the passing of the Land Law (Ireland) Act, 1887, the court, on the application of any joint tenant or tenant in common, may, if they think that it is just, fix a fair rent upon the portion of the holding so separately occupied. Such order fixing a fair rent when made shall not have the effect of increasing the liability of the landlord for rates or taxes in respect of the holding, and such order shall not be made if the court are of opinion that the interests of

50 & 51 Vict. c. 33.

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the landlord in the holding will be injuriously affected thereby otherwise than by the mere fixing of a fair rent.

(4.) Nothing in this section shall extend to any holding in respect of which a judicial rent has been fixed before the commencement of this Act.

Town parks. 50 & 51 Vict. c. 33.

6. In the construction of section nine of the Land Law (Ireland) Act, 1887, the word "agricultural" shall be construed to mean agricultural or pastoral, or partly agricultural and partly pastoral. Provided that this section shall not entitle a person to have a fair rent fixed who is not bonâ fide using the holding as an ordinary farm.

Exclusion by subletting of holding.

7.—(1.) For the purpose of the Land Law Acts, the tenant of a holding shall be deemed to be in bonâ fide occupation thereof notwithstanding—

(*a*) that any dwelling-house on the holding, not being the dwelling in which the tenant for the time being resides, and not having been erected by the tenant in breach of his contract of tenancy or of a statutory condition, is sublet to or in the occupation of another person; or

(*b*) that any other part of the holding is, otherwise than in breach of the contract of tenancy or of a statutory condition, sublet to or in the occupation of another person, if in the estimation of the court a part not less than seven-eighths or thereabouts in value of the holding, excluding from such value the value of any buildings erected by the tenant, remains in the bonâ fide occupation of the tenant, and if the subletting was made before the passing of the Land Law (Ireland) Act, 1887, or if it was substantially in substitution for a letting existing at that date.

50 & 51 Vict. c. 33.

Provided that—

(i) for the purpose of the foregoing provisions of this section, a breach of the contract of tenancy shall not be deemed to have taken place if the landlord waived such breach; and

(ii) the foregoing provisions of this section shall not apply unless the court think it reasonable to entertain the application having regard to the acreage of the holding and to any other matter which they think should be taken into consideration, and the court may entertain the application notwithstanding that any such house or part of a holding is occupied by a person to whom it has been sublet in contravention of section two of the Land Law (Ireland) Act, 1881.

44 & 45 Vict. c. 49.

(2.) The subletting of any such dwelling-house as is referred to in sub-section (1) (*a*) of this section during the continuance of a statutory term or after its expiration shall not be deemed to be a breach of any statutory condition, nor shall section two of the Land Law (Ireland) Act, 1881, apply to any such subletting, whether made before or after the passing of this Act.

44 & 45 Vict. c. 49.

(3.) Where a part of the property held under one demise is sublet, and the property was let to the tenant subject to the tenancy of some other person in the part sublet, the court may, in any case to which sub-section (1) of this section does not apply,

direct that the part so sublet shall thenceforth be, or if it is an incorporeal hereditament be treated as, a separate holding, and (unless the application to the court is made on the expiration of a lease) that the same shall be held during the continuance of the tenancy at such rent as the court determine to be the proper proportion of the rent reserved by the demise, and the court may fix a fair rent for the remainder of the property held under the demise, and the Land Law Acts as amended by this Act shall apply to that remainder, as if it were a separate holding;

Provided that if the landlord so elect, the court shall, in any case to which this sub-section applies, order that the tenant of the part so sublet shall be the tenant of such landlord as his immediate landlord.

Judicial rent may be fixed where contract provides for resumption of holding by the landlord.

8. Where any holding is held under a contract of tenancy, empowering the landlord to resume the whole or any part thereof for the purpose of building or planting, a judicial rent may be fixed in respect thereof, without prejudice to the right of the landlord to resume possession at any time for the bonâ fide purposes aforesaid, upon the terms contained in the said contract of tenancy, or, if no terms are contained therein, upon the terms that the rent of the holding be proportionately abated.

Turbary and other profits, easements, and privileges.

9.—(1.) Where on an application to fix the fair rent for a holding it is proved to the court that the tenant of the holding by virtue of his tenancy has by the permission of the landlord been accustomed to exercise any privilege over land belonging to the landlord, the withholding of which privilege would materially diminish the value of the holding to the tenant, the landlord shall be required to elect whether he will or will not allow the tenant to exercise as of right during the statutory term, under the same restrictions and conditions as theretofore, or such other restrictions and conditions as may be agreed on by the landlord and tenant, that which he previously exercised by permission, and if the landlord consents to so allow, such exercise shall be secured to the tenant by the order fixing the fair rent, and if the landlord refuses to so allow the fair rent shall be fixed having regard to such refusal.

(2.) Where an order securing the exercise of any such privilege is so made, the court, during the continuance of the statutory term, may, upon the application of the landlord or of any other tenant exercising the like privilege, restrain the tenant from exercising the privilege in any manner other than that authorised by the order or by any reasonable regulations of the landlord made in pursuance of the order. Provided that the court may remit the application for hearing to any sub-commission, which at the time the same is made is actually sitting or is about to sit in the district in which the holding is situate, which sub-commission shall have all the powers of the court to hear and determine the matter of the application and make an order thereon.

Lettings by persons not absolute owners.

10.—(1.) The Land Law Acts shall apply, and be deemed to have always applied, in the case of tenancies created by a limited owner or by a mortgagor or mortgagee in possession, and the tenancies shall not be or be deemed to have been determined (except in the

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case of fraud or collusion or a letting at a gross undervalue) by the cesser of the interest or possession of such limited owner, mortgagor, or mortgagee, and the person entitled on such cesser to receive the rent of the holding shall stand in the relation of landlord to the tenant of the holding, and have the rights and be subject to the obligations of landlord accordingly.

(2.) Provided that where a fair rent has, after the passing of this Act, been fixed for the first time in the case of a tenancy to which this section applies, the person entitled on the said cesser to receive the rent of the holding may, within the prescribed time after becoming entitled to receive such rent, apply to the court in the prescribed manner, and the court, after giving such person and the tenant of the holding an opportunity of being heard, may proceed as follows:—

(*a*) if of opinion that by reason of a fine or premium having been paid the rent when judicially fixed was reduced, or that otherwise the fair rent fixed was unreasonable, the court may vary the fair rent for the portion of the statutory term then remaining unexpired; and

(*b*) if of opinion that, by reason of any special circumstances not brought to the knowledge of the court on the hearing of the application to have a fair rent fixed, a fair rent ought not to have been fixed, the court shall declare that the said person and the tenant shall be in the same position as if this section had not been enacted.

(3.) This section shall not apply to a tenancy created by a limited owner in a holding the substantial part of which at the date of the letting was demesne land, where the mansion house is let with such demesne land, or the application of the Land Law Acts to the tenancy would materially diminish the value as a residence of the mansion house situate on and theretofore occupied with the demesne.

Tenancy not invalidated by reason of subletting by landlord.

11. A contract of tenancy entered into, whether before or after the commencement of this Act, by a landlord in violation either of the Act of the seventh year of the reign of King George the Fourth, chapter twenty-nine, intituled "An Act to amend the law "of Ireland respecting the assignment and subletting of lands and "tenements," or of an agreement against subletting in his lease, shall not as between him and the tenant holding under such contract be, or be deemed to have been, void or voidable, and a superior landlord shall be deemed to have expressed a sufficient consent, in the manner in which the consent is required by law to be expressed, to a subletting made in violation of such Act or agreement, unless within a reasonable time after the subletting came to the knowledge of himself, or his agent, he served on the lessee or sub-tenant notice of his dissent from the subletting, or instituted a proceeding against the lessee founded upon the said violation.

Determination of estate of immediate landlord.

12.—(1.) Where a superior landlord recovers against an immediate landlord a judgment in ejectment for nonpayment of the rent of a holding, or of lands including a holding, the estate of the immediate

landlord shall be deemed to be determined within the meaning of section fifteen of the Land Law (Ireland) Act, 1881, without prejudice to his right to redeem his interest, as if a decree for possession or a writ of possession had been executed. 44 & 45 Vict. c. 49.

(2.) Unless the court before which the ejectment was brought certifies that the nonpayment was due to the nonpayment of rent by the tenant of the holding, such judgment shall not be executed against the tenant, and the tenancy of the holding shall not be affected, except that the superior landlord shall stand in the relation of immediate landlord to the tenant, and may proceed accordingly for the recovery of all rent due from the tenant to the immediate landlord, as if it had always been due to the superior landlord, but (except in the case of fraud or collusion or a letting at a gross undervalue) not for the recovery of the rent due to the superior from the immediate landlord. If the amount recovered by the superior landlord from the tenant equals or exceeds the amount due to him from the immediate landlord, the interest of the immediate landlord shall not be deemed to have been redeemed, but the superior landlord shall pay the excess to the immediate landlord, after deducting any amount due for costs.

Tenure in severalty.

13. Where the estate of the immediate landlord for the time being is determined during the continuance of any tenancy from year to year, and two or more persons are entitled in severalty as superior landlords, each of such persons shall be deemed to be the immediate landlord to the tenant of the tenancy within the meaning of section fifteen of the Land Law (Ireland) Act, 1881, in respect of the portion of the land to which he is entitled, and to have the rights and to be subject to the obligations of an immediate landlord as provided by the said section; and the Land Commission may, on application being made to them by any person interested other than the tenant, apportion the rent previously paid by the tenant between the different persons thenceforward entitled to the landlord's interest according to the value of the land held from each; and the tenancy shall thereupon be divided into two or more tenancies according to the portions of land to which each of such landlords is entitled: Provided that each of such tenancies shall continue to be subject to the same conditions in all respects (save as regards the amount of rent to be paid) as the previously existing tenancy was subject to under the immediate landlord prior to the determination of his estate. 44 & 45 Vict. c. 49.

Amendment of 54 & 55 Vict. c. 57. as to long leases and fee farm grants.

14. The Redemption of Rent (Ireland) Act, 1891, shall be amended as follows:—

(*a.*) The provisions of the Land Law Acts and this Act with respect to improvements shall apply, notwithstanding that the lessee or grantee would not, on quitting his holding, be entitled by reason of his being such lessee or grantee to claim compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870: 33 & 34 Vict. c. 46.

(*b.*) A person shall be a lessee or a grantee under a fee farm grant within the meaning of the said Acts, notwithstanding that the instrument under which he holds, though purporting

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to create the relation of landlord and tenant, is dated before the first day of January one thousand eight hundred and sixty-one, and by reason of its date does not create the relation of landlord and tenant between him and the person to whom money is payable thereunder in respect of the holding, and that person shall be a lessor or grantor in like manner as if the instrument were executed on or after the above-mentioned day.

Amendment of 50 & 51 Vict. c. 33, s. 1.

15. Applications under section one of the Land Law (Ireland) Act, 1887, may be made at any time.

Ejectments for nonpayment of rent in case of holdings under Land Law Acts. 23 & 24 Vict. c. 154.

16. In the case of any ejectment which shall be or has been brought for the nonpayment of the rent of a holding to which the Land Law Acts as amended by this Act apply, where the rent in arrear exceeds two years rent, the tenant may pay, tender, deposit, or lodge under sections sixty to seventy-one of the Landlord and Tenant Law Amendment Act (Ireland), 1860, the sum of two years rent instead of the sums therein respectively required to be paid, tendered, deposited, or lodged in respect of the rent and arrears, exclusive of costs, and upon such tender, payment, deposit, or lodgment the tenant shall be in the same position under those sections as if two years rent were the sum due for rent up to the date of the commencement of the proceedings in the ejectment; and the balance of the rent due to that date shall be recoverable by the landlord as if the same were a debt due to him by the person legally liable therefor, but shall not be recovered by ejectment for nonpayment of rent or distress. Provided, however, that—

(1.) Nothing herein contained shall relieve the tenant from paying or undertaking to pay costs as provided by the said sections; and

(2.) That this section shall not apply to any proceeding in ejectment in which an order has been or shall be made under section thirty of the Land Law (Ireland) Act, 1887, nor to any arrears of rent the subject of any such order.

50 & 51 Vict. c. 33.

Provision for agreements by landlords and tenants in certain cases.

17.—(1.) The landlord and tenant of any holding may at any time (whether a statutory term is current in respect of the holding or not) agree in the prescribed manner, and subject to the prescribed rules and conditions, in regard to all or any of the matters following:—

(*a*) the consolidation of the holding with any other holding or portion of a holding or the making of any addition to the holding;

(*b*) the partition or division of the holding;

(*c*) the assignment or surrender of portion of the holding;

(*d*) the creation of a present tenancy in the holding;

(*e*) the abridgment of any statutory term in the holding; and

(*f*) the fair rent of the holding and the date at which the statutory term is to commence and the duration thereof.

(2.) Where any such agreement is made the tenancy in the holding shall (in the absence of a provision in the agreement to the contrary) as and from the date of the agreement be a present tenancy.

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(3.) Any such agreement on being filed in the prescribed manner with the Land Commission shall have the same effect and consequences in all respects as if the matters agreed to therein had been determined by the Land Commission, and the Land Commission had power to determine the same.

(4.) The said conditions shall, in the case of an agreement made by a limited owner or a mortgagor or mortgagee in possession, include such conditions as may be prescribed to protect the interests of the person entitled on the cesser of the interest or possession of such limited owner, mortgagor, or mortgagee.

Tenancy to be present tenancy where landlord has so consented.

18. Where, prior to the commencement of this Act, the landlord of a holding has consented that the tenancy in the holding should be a present tenancy, or that the tenant should have the same rights as a present tenant, the tenancy shall be deemed to be a present tenancy accordingly.

Amendment as to mortgage or settlement of holdings.

19. The alienation to one person only of a holding by way of mortgage, or family settlement, or where marriage forms a portion of the consideration, or otherwise than for consideration in money or money's worth, shall be a sale within the meaning of section one of the Land Law (Ireland) Act, 1881, but the provisions of the several regulations thereof other than regulation (6) shall not apply thereto.

44 & 45 Vict. c. 49.

Repeal of 44 & 45 Vict. c. 49. s. 8 (5).

20. The fifth sub-section of section eight of the Land Law (Ireland) Act, 1881, is hereby repealed.

Procedure.

Amendments of procedure as to limited representation of deceased person.

21. On any application under the Land Law Acts, as amended by this Act, an order may be made by the court appointing some person limited administrator of a deceased person for the purpose of such application, and such order may be made whether such deceased person did or did not die before the application, or make a will which was not proved. It is hereby declared that the court had power, at any time since the passing of the Land Law (Ireland) Act, 1881, to make such an order as in this section is mentioned.

Ground of appeal to be stated.

22. Rules under section fifty of the Land Law (Ireland) Act, 1881, may provide that, subject to the qualifications (if any) contained in those rules, every notice of appeal, under the Land Law Acts, shall state the grounds of appeal, and on the hearing of the appeal no grounds of appeal shall, save by leave of the court, which shall not be given as of course, be entered into except those so stated. For the purpose of this section "appeal" includes "rehearing."

PART II

PART II.

LAND COMMISSION AND LAND JUDGE.

Regulations as to interchange of duties of

23.—(1.) The Lord Chancellor, the Land Judge of the Chancery Division of the High Court, and the Judicial Commissioner of the

PART II. the Land Judge and the Judicial Commissioner of the Irish Land Commission.

Land Commission, or any two of them (of whom the Lord Chancellor shall be one) may make rules for the following purposes, namely :—

(*a.*) To enable the Land Judge to act as an additional Judicial Commissioner of the Land Commission—

(i) in any matter arising under the Land Purchase Acts as amended by this Act; or

(ii) in any appeal or rehearing under the Land Law Acts as amended by this Act;

(*b.*) To enable the Judicial Commissioner of the Land Commission to exercise any jurisdiction, powers, and duties, so far as existing at the commencement of this Act,

(i) of the High Court or any judge thereof, either as successors of the Landed Estates Court and the judges thereof, or under the Record of Title (Ireland) Act, 1865, or the Local Registration of Title (Ireland) Act, 1891; and

28 & 29 Vict. c. 88. 54 & 55 Vict. c. 66.

(ii) of the Land Judge and of the Receiver Judge under any enactment conferring any jurisdiction upon either of such judges as such;

(*c.*) To enable the High Court to distribute the proceeds of any sale under the Land Purchase Acts, and to enable the Land Commission to carry into effect any sale under those Acts ordered by the High Court.

(2.) For carrying into effect any such rules, and exercising the jurisdiction, powers, and duties arising thereunder, the Land Judge shall be deemed to be an additional Judicial Commissioner of the Land Commission, and the Judicial Commissioner shall be deemed to be an additional Land Judge.

(3.) The Land Judge as respects officers of the Supreme Court who are attached to such judge, or otherwise employed in or about the execution of any such jurisdiction, powers, and duties as may under this section be exercised by the Judicial Commissioner, and the Judicial Commissioner, so far as respects the officers of the Land Commission, may direct those officers to perform such duties as he thinks fit under the Land Commission or under the Land Judge, as the case may be, and those officers shall perform those duties.

(4.) The Land Judge and the Judicial Land Commissioner may also make regulations for carrying into effect any rules made in pursuance of this section, and for the mutual relations between the Land Judge and the officers of the Supreme Court on the one side, and the Land Commission and their officers on the other, and in particular for the payment into the High Court of money to be distributed among the parties entitled thereto, and for the Land Commission carrying into effect any sales under the Land Purchase Acts ordered by the High Court.

44 & 45 Vict. c. 49.

(5.) Sub-sections (2) and (3) of section fifty of the Land Law (Ireland) Act, 1881, shall apply to rules made under this section.

(6.) The first rules under this section shall be made as soon as practicable after the commencement of this Act.

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(7.) Such rules shall provide that the Court of the Land Commission in Dublin shall, when hearing appeals or rehearing cases, or hearing such other matters as may be prescribed, be held at the Four Courts, Dublin.

Power to nominate judge to act as additional Land Judge for purposes of 28 & 29 Vict. c. 88. 54 & 55 Vict. c. 66.

24. The Lord Chancellor may nominate any judge of the High Court with his consent to act, for the time specified by the Lord Chancellor, as an additional Land Judge for the purposes of the Record of Title (Ireland) Act, 1865, and the Local Registration of Title (Ireland) Act, 1891, and the judge so nominated shall have during that time the jurisdiction of the Land Judge for those purposes.

PART III.

PART III.

LAND PURCHASE.

Alteration of mode of calculating purchase annuity.

25.—(1.) In the case of every advance under the Land Purchase Acts made after the commencement of this Act the purchase annuity shall be calculated and payable—

(*a*) during the first decade of the annuity, upon the total advance; and

(*b*) during the second and third decades, upon the portion of the advance which is ascertained, as provided by this section, to be unpaid at the end of the previous decade; and

(*c*) after the end of the third decade, upon the portion of the advance which is ascertained, as provided by this section, to be then unpaid,

and shall continue to be paid until the whole advance is ascertained as provided by this section to have been repaid.

(2.) The Land Commission shall, in accordance with such rules as the Treasury may make—

(*a*) at the end of each of the said decades ascertain how much of the advance has been repaid by means of the accumulation during the decade of that portion of the purchase annuity which represents repayment of capital, and the residue of the advance shall be the unpaid amount upon which the subsequent annuity is to be calculated and paid; and

(*b*) ascertain when the whole advance has been repaid by means of the accumulation of that portion of the purchase annuity which represents repayment of capital.

(3.) If the proprietor of a holding charged with an annuity applies to the Land Commission within the prescribed time and in the prescribed manner, prior to the end of each of the said decades, that the annuity during the next decade shall not be reduced under this section, no alteration of the annuity shall then be made.

(4.) The amount of the annuity, when re-calculated as provided by this section, shall be certified by the Land Commission, and that certificate shall be conclusive for all purposes, and shall be sent by them for registration to the registration authority under the Local Registration of Title (Ireland) Act, 1891. 54 & 55 Vict. c. 66.

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(5.) The foregoing provisions of this section shall apply in the case of an annuity for any advance made under the Land Purchase Acts before the commencement of this Act, subject as follows:—

(*a.*) Where more than ten years have elapsed since an annuity for the repayment of the advance began, the amount of the advance remaining unpaid shall be ascertained as at the end of the last completed decade since that beginning, and the reduction of the annuity in the current decade shall date from the gale day next after the commencement of this Act:

(*b.*) In a case where purchaser's insurance money has been paid, the amount so paid, and not set off against arrears, shall be taken into account at the end of the first decade, as if it were a portion of the purchase annuity which represents repayment of capital; and the provisions with respect to setting off against arrears purchaser's insurance money so paid shall not apply after the end of such decade.

Application of part of Act to annuities under 32 & 33 Vict. c. 42.

26.—(1.) The Land Commission, upon the application of any person liable to pay interest on any simple mortgage under section fifty-two of the Irish Church Act, 1869, may, if they think fit, by order convert that mortgage into a mortgage to secure repayment of the principal of the mortgage debt then outstanding, with interest at the rate of three and one-eighth per centum per annum, by means of an annuity at the rate of four per centum per annum on the said principal, payable by half-yearly payments on the days fixed for the payment of the interest on the said mortgage, until the whole principal has been repaid, and such order shall be binding upon all persons interested, whether in the equity of redemption of such mortgage or otherwise.

(2.) The foregoing provisions with respect to the calculation of a purchase annuity may be applied by the Land Commission with the necessary modifications, to the calculation of the instalments of an annuity by means of which any mortgage debt is payable either under this section or otherwise under section fifty-two of the Irish Church Act, 1869, and the Acts amending the same.

32 & 33 Vict. c. 42.

Abolition of county per-centage.

54 & 55 Vict. c. 48.

27. The amount which under the Purchase of Land (Ireland) Act, 1891, is required to be applied as county per-centage shall, when received in respect of an instalment of the annuity falling due after the commencement of this Act, cease to be so applied and shall be paid to the National Debt Commissioners and applied as a portion of the purchase annuity which represents repayment of capital

Abolition of purchaser's insurance money.

28.—(1.) In the case of any advance after the commencement of this Act for the purchase of a holding, and also in the case of any instalment of a purchase annuity which shall become payable after the passing of this Act, purchaser's insurance money shall not be payable.

(2.) In the case of a purchase annuity payable at the date of the commencement of this Act, the amount thereof as altered by this section shall be certified by the Land Commission, and sent by them for registration to the registration authority under the Local Registration of Title (Ireland) Act, 1891.

54 & 55 Vict. c. 66.

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As to guarantee deposit.

29.—(1.) The Land Commission on making an advance may dispense with the whole or any part of the guarantee deposit being made or retained, if they think the security for the repayment of the advance is sufficient without it.

(2.) The Land Commission may, if they think fit, on application, pay to the person entitled thereto the whole or any part of the guarantee deposit made or retained in respect of advances under the Purchase of Land (Ireland) Act, 1891, or the Redemption of Rent (Ireland) Act, 1891, except in a case where any part of the deposit has been actually applied in pursuance of the Land Purchase Acts. 54 & 55 Vict. c. 48.

(3.) In the case of any advance made otherwise than under the Purchase of Land (Ireland) Act, 1891, or the Redemption of Rent (Ireland) Act, 1891, the Land Commission may pay out of the guarantee deposit to the person entitled thereto a sum equal to the portion of the advance which at the end of any decade is ascertained under the provisions of this Act to have been repaid. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 57.

Amendment of 51 & 52 Vict. c. 49. s. 2.

30. In computing the amount advanced to any one purchaser under the provisions of section two of the Purchase of Land (Ireland) Amendment Act, 1888, an advance made to such purchaser as a trustee for another, or as personal representative of a deceased person, shall not, if, (as regards advances made after the passing of this Act,) he declares at the time that he was so acting, be included, and for the purposes of the said section the advance in such cases shall be deemed to have been made to the person beneficially interested in such advance.

Extinguishment of superior interests.

31.—(1.) Where any land has been sold under the Land Purchase Acts, as amended by this Act, or where land is sold by the Land Judge to the tenant thereof, and an advance under the Land Purchase Acts is made for the purpose of such sale, or where a lessor or grantor has signified his consent to the redemption of a rent under the Redemption of Rent (Ireland) Act, 1891, the sale of such land, or the redemption consequent on the lodgment of such consent, as the case may be, shall be made discharged from all superior interests as defined by this section, or from any of them, and in every such case the land shall be vested accordingly in the purchaser in fee simple, and such superior interests, or the value thereof, shall become a lien upon, and be redeemed or satisfied out of, the purchase money of such land. 54 & 55 Vict. c. 57.

(2.) A vesting order shall be subject to such exceptions and reservations as are specified in the order, if they were contained in the agreement for purchase or subsequently agreed to by the vendor and purchaser and have been approved by the Land Commission and the Land Commission are satisfied that the effect of such exceptions and reservations was explained to and understood by the purchaser, or the purchaser is represented by a solicitor other than the solicitor of the vendor.

(3.) The powers of apportionment and redemption given to the Land Commission by section ten of the Purchase of Land (Ireland) Act, 1885, and sections fifteen and sixteen of the Land Law (Ireland) Act, 1887, shall extend to superior interests and be exercised in such 48 & 49 Vict. c. 73. 50 & 51 Vict. c. 33.

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manner as shall appear equitable, and shall not be limited to an apportionment between the land sold and the residue of the land subject to the superior interest.

(4.) Where a holding is sold by the Land Judge to the tenant thereof, and an advance under the Land Purchase Acts is made for the purpose, the Land Judge shall have the powers of apportionment and redemption conferred on the Land Commission by sections fifteen and sixteen of the Land Law (Ireland) Act, 1887, and by section twenty of the Purchase of Land (Ireland) Act, 1891, as the same are amended and extended by this Act in like manner as if the Land Judge were the Land Commission.

50 & 51 Vict. c. 33.
54 & 55 Vict. c. 48.

(5.) The price or compensation to be paid in respect of a superior interest, or of any apportioned part thereof, shall be determined in the manner provided by the said sections for the redemption of annuities, rentcharges, and rents: Provided that, if the court are of opinion that any such superior interest is of no appreciable value to the persons entitled thereto, the purchase money of the land may be distributed without regard to such superior interest.

(6.) If a superior interest, or the benefit arising thereunder, is settled land within the meaning of the Settled Land Acts, 1882 to 1890, the person who constitutes the tenant for life, or who has the powers of a tenant for life under those Acts, shall have power to enter into any consent in relation to the sale being made discharged from such superior interest, and to the redemption or satisfaction of the same out of the purchase money.

(7.) Where a superior interest is subject to an incumbrance as defined by the Land Law (Ireland) Act, 1887, the court shall have the same powers as if such incumbrance had been charged directly upon the land sold.

50 & 51 Vict. 33.

(8.) The expression "superior interest" shall include any rent, rentcharge, annuity, fees, duties, or services, payable or to be rendered in respect of the land sold to any person, including Her Majesty and Her successors, and any estates, exceptions, reservations, covenants, conditions, or agreements, contained in any fee-farm grant, or other conveyance in fee, or lease, under which such land is held, and, if such land is held under a lease for lives or years renewable for ever, or for a term of years of which not less than sixty are unexpired at the date of the sale, shall include any reversion or estate expectant on the determination of such lease or expiration of such term, and notwithstanding that such reversion or estate may be vested in Her Majesty and Her successors.

(9.) Nothing in this section shall affect the rights of the public or of any class of the public in respect of the land sold.

(10.) The Land Commission or the High Court shall not in any case be empowered to make any requisition as to title the making of which by a purchaser would be prevented by the Vendor and Purchaser Act, 1874, or any Act amending the same.

37 & 38 Vict. c. 78.

Framing of and dispensing with vesting order and registration of title on purchase.

32.—(1.) The Land Commission shall prepare the vesting order, or if they see fit to dispense therewith, shall fiat the agreement for the purchase of the holding, subject to such conditions, exceptions, and modifications as they think necessary; and on the advance being paid such fiat shall have effect as if it were a vesting order

made by the Commission in relation to the holding purchased, and the provisions of this Act referring to vesting orders shall apply and be construed accordingly.

(2.) The Land Commission shall, immediately after the vesting order or fiat, prepare and transmit to the registering authority under the Local Registration of Title (Ireland) Act, 1891, the prescribed particulars as to the holding, in order that the title of the purchaser to the ownership of the holding may be registered pursuant to that Act. 54 & 55 Vict. c. 66.

(3.) Section thirty-four of the said Act (which relates to the correction and rectification of the register) shall extend to a vesting order or fiat as if it were the register, save that the jurisdiction of the court for the purposes of this Act shall be exercised by the Land Commission.

(4.) An agreement for purchase, a vesting order, or fiat, shall not operate to convert the interest of the purchaser into real estate.

As to redemption or apportionment of annuities, rentcharges, &c. under 50 & 51 Vict. c. 33. ss. 15, 16.

33.—(1.) For the purpose of the distribution of, or other dealing with, an advance, sections fifteen and sixteen of the Land Law (Ireland) Act, 1887, and any other unrepealed enactment in the Land Purchase Acts, or this Act, relating to the redemption or apportionment of charges on holdings, or otherwise to the distribution of the purchase money of a holding, shall apply as if the money were the holding.

(2.) For the purpose of an agreement respecting the redemption price of any annuity, rentcharge, or rent apportioned under the said section sixteen, the court may determine the parties by whom such agreement may be made or by whom the consent may be given for the determination of the price by the court.

(3.) The said sections as amended by this section shall apply to any contingent liability for any annuity, rentcharge, or rent, in like manner as they apply to the annuity, rentcharge, or rent itself, and where any contingent liability has no appreciable value, the money may be distributed without regard to such liability.

(4.) Where any liability for any annuity, rentcharge, or rent is apportioned and redeemed out of the purchase money and a right of indemnity in respect of such liability exists, the person entitled to the purchase money shall be entitled to the proportion of the annuity, rentcharge, or rent so redeemed, in like manner as if he had purchased the same, and the court, after due notice to all persons interested, shall make provision as to the future payment of such portion of the annuity, rentcharge, or rent so purchased, and as to the land to be liable thereto, and such other provisions as appear to the court necessary for carrying into effect this enactment.

As to easements, &c., when vesting order is made.

34.—(1.) A holding vested in a purchaser by a vesting order under this Act shall continue to have appurtenant thereto and to be subject to, as the case may be, any previously existing easements, rights, and appurtenances; and any privilege previously in fact enjoyed, whether by permission of the landlord or otherwise, in such manner and for such time that, if the holding had belonged to a different owner from the rest of the estate, it would have been an easement or right, shall be an easement or

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right within the meaning of this section, and shall be appurtenant to or exerciseable over the holding, as the case may be.

(2.) The vesting order may, if the Land Commission think fit, declare that the sale is made subject to or free from any particular easement, right, or appurtenance, and such declaration shall have full effect.

21 & 22 Vict. c. 72.

(3.) This section shall extend to any sale or declaration of title made by the Land Judge in pursuance of the Landed Estates Court (Ireland) Act, 1858, in like manner as if it were herein re-enacted with the necessary modifications.

Liability for arrears of rent, and interest on purchase money after agreement to purchase.

35.—(1.) Where an agreement for the purchase of a holding is made after the commencement of this Act and is lodged with the Land Commission, the purchaser shall, in the event of the sale being carried out, be discharged from all liability to the vendor in respect of any liabilities affecting the holding at the date of the agreement, including all rent and arrears existing at such date; but if the advance is refused the agreement shall be void, and the tenant shall be liable to pay rent and arrears as if the agreement had not been made. Provided that no proceeding in respect of the said rent and arrears existing at the date of the agreement shall be brought pending the carrying out of the sale.

(2.) Interest on the purchase money from the date of the said agreement until the day from which the purchase annuity begins, shall be payable half-yearly on the first day of May and first day of November by the purchaser, and shall be paid to, and be collected and recoverable by, the Land Commission, in like manner as if it were an instalment of the purchase annuity charged upon the holding, and when received by them shall as respects the period subsequent to the date of the advance be applied in payment of the interest due under section twenty of the

50 & 51 Vict. c. 33.

Land Law (Ireland) Act, 1887, and subject thereto shall be paid to the person in receipt of the rent at the date of the agreement or such other person as may prove himself to be entitled thereto, and if the advance is refused shall be allowed by the landlord to the tenant as a payment on account of rent.

Advances for purchase of holding subject to a rentcharge.

36. Where a sale of a holding is made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the vendor a rentcharge, the Land Commission may, if satisfied with the security, make an advance under the Land Purchase Acts as amended by this Act to the tenant for the purposes of such purchase of any sum not exceeding the amount of the fine payable to the landlord, subject as follows:—

(*a.*) The advance shall not exceed the saleable value of the landlord's interest in the holding after deducting such sum as appears to the Land Commission to be the capital value of the rentcharge:

(*b.*) The advance shall not be made where the rentcharge exceeds half the rent which, in the opinion of the Land Commission, would be a fair rent for the holding:

(*c.*) An ejectment for nonpayment of rent shall not be brought in respect of the rentcharge:

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(*d.*) The rentcharge shall be reserved in the vesting order, but the purchase annuity shall have priority over such rentcharge:

(*e.*) The Land Commission may, if satisfied with the security, make a further advance for the redemption of the rentcharge in like manner as for the purchase of the holding:

(*f.*) Where a holding is sold under this section the powers conferred by the Land Purchase Acts and this Act for the apportionment of charges shall extend to an apportionment of charges between the purchase money and the rentcharge, and the provisions of section fifteen of the Land Law (Ireland) Act, 1887, with respect to the acceptance by an incumbrancer of the purchase money in part discharge of his incumbrance shall apply as if the rentcharge were other lands within the meaning of those provisions. 50 & 51 Vict. c. 33.

Terms of redemption of tithe rentcharge in case of sale.

37.—(1.) Where the Land Commission, in pursuance of section fifteen of the Land Law (Ireland) Act, 1887, order the redemption of tithe rentcharge at a price not less than twenty times the net amount of such tithe rentcharge, after making such deduction in respect of rates as is provided by section seven of the Irish Church Act, 1869, Amendment Act, 1872, the consent of the Treasury shall not be required to such redemption. 50 & 51 Vict. c. 33. 35 & 36 Vict. c. 70.

(2.) The foregoing enactment shall not apply to any annual sum payable to the Land Commission under section thirty-two of the Irish Church Act, 1869, as amended by any other Act, but the Land Commission may order the redemption of such tithe rentcharge at a sum calculated on the basis of the annual sum being for a term of forty-five instead of fifty-two years. 32 & 33 Vict. c. 42.

Sale of holding by Land Commission.

38.—(1.) The Land Commission upon the sale of a holding under section thirty of the Land Law (Ireland) Act, 1881, or under any power of sale, may sell the holding in lots. 44 & 45 Vict. c. 49.

(2.) Section fifteen of the Purchase of Land (Ireland) Act, 1885, as amended by this Act, shall extend to a sale of a holding by the Land Commission, as successors to the Commissioners of Church Temporalities in Ireland. 48 & 49 Vict. c. 73.

(3.) Where a holding is subject to the future payment of an annuity, and the Land Commission sell it in lots, or in the exercise of their powers under the Land Purchase Acts authorise the subdivision of the holding, the Land Commission may apportion the annuity in such manner as they deem expedient, or may, if they think fit, make an order discharging any such portion of the holding as aforesaid from any further liability for such annuity, or any part thereof, or any arrears thereof.

(4.) Where the Land Commission sell a holding, the purchase money shall, subject to the provisions of section thirty of the Land Law (Ireland) Act, 1881, be paid and distributed as if it were the purchase money of a holding sold by a landlord to a tenant. 44 & 45 Vict. c. 49.

Amendment of 54 & 55 Vict. c. 48. s. 5 (2) (*b*) as to money for labourers cottages.

39. The power conferred on the Lord Lieutenant by sub-section (2) of section five of the Purchase of Land (Ireland) Act, 1891, to make regulations for the application of the moneys therein mentioned towards the cost of providing labourers cottages is hereby

PART III. extended to include a power to make regulations for the application of those moneys towards defraying any costs incurred at any time after the passing of the said Act of 1891 in providing such cottages.

Sales under the Landed Estates Court Act.

21 & 22 Vict. c. 72.

40.—(1.) Where an absolute order for the sale of an estate, comprising holdings to which this section applies, has been made under the Landed Estates Court (Ireland) Act, 1858, and either a receiver has been appointed over the estate or the estate is so circumstanced that it would independently of this Act be sold without the consent of the owner as to price, the following provisions shall have effect:—

(*a.*) The Land Commission shall, at the request of the Land Judge, cause the estate to be inspected, and a report to be made by two Commissioners respecting the estate, and the circumstances thereof, and the price at, and the conditions under which, the sale of the holdings to the tenants under the Land Purchase Acts can properly be made:

(*b.*) The Land Judge, after giving all parties, including the tenants, an opportunity of being heard, and considering the report and any offers that may be made for the purchase of the estate or any part thereof, and any other matters that may be brought before him, and the general circumstances of the estate, shall make to the person appearing to be in occupation as tenant of each holding on the estate an offer to sell to him the fee-simple of the holding, discharged from the arrears of rent then due from him in respect thereof, at such price, and subject to such conditions, whether as to the payment of part of the price in cash, or as to the offer to one tenant being conditional on the acceptance by other tenants of the offers made to them within a limited time, or otherwise, as the Land Judge may consider reasonable and just, having regard to the interest of all persons interested in the estate:

(*c.*) The offer shall be communicated in such manner as the Land Commission think fit to the person appearing to be in occupation as tenant, and, if it is accepted, then on fulfilment of the conditions the said person shall be deemed to have agreed to purchase the holding within the meaning of the Land Purchase Acts, and the sale shall be completed accordingly:

(*d.*) If it appears to the Land Judge that the tenants of holdings on the estate to the extent of not less than three-fourths in number and value according to the rateable value under the Irish Valuation Acts, have accepted the offers under this section, he may, if, having regard to the circumstances of the case he thinks it expedient, order that the remaining tenants or any of them shall be deemed to have accepted the offers made to them, and this section and the Land Purchase Acts shall apply accordingly; provided that such order shall not apply to any tenant if the purchase-money of his holding would exceed the limitation on the amount of the advance imposed by section two of the Purchase of Land (Ireland)

51 & 52 Vict. c. 49.

Amendment Act, 1888, and the holding of such tenant shall not be taken into consideration in estimating the three-fourths above mentioned: PART III.

(*e.*) Subject to the prescribed rules, including rules as to security for costs, any person aggrieved by any order of the Land Judge made under this section may, with the leave of the Land Judge or of the Court of Appeal, appeal to the Court of Appeal, whose decision shall be final:

(*f.*) Where a receiver has been appointed over part of an estate this section shall apply to that part in like manner as if it were an estate:

(*g.*) The foregoing provisions of this section shall apply only to holdings which are agricultural or pastoral, or partly agricultural and partly pastoral.

(2.) Any person in occupation of and paying rent for a parcel of land (including the owner of an estate in occupation of a mansion house or demesne forming part of the estate) held under a letting by the Land Judge or Receiver Judge may agree to purchase such parcel of land, and the same shall be deemed a holding, and such person a tenant, and the Land Judge or Receiver Judge, as the case may be, a landlord within the meaning of the Land Purchase Acts.

(3.) At any time after an absolute order for the sale of an estate or part of an estate has been made in pursuance of the Landed Estates Court (Ireland) Act, 1858, the foregoing provisions of this section so far as they are applicable may upon the application of the owner be applied to such estate, although a receiver has not been appointed over the estate, and the estate is not so circumstanced that it would, independently of this Act, be sold without the consent of the owner as to price; provided that no advance shall be made to the owner to purchase any mansion house or demesne forming part of the estate. 21 & 22 Vict. c. 72.

(4.) Rules under Part Two of this Act may be made for carrying into effect this section.

41. Any person aggrieved by the order of a Land Commissioner acting alone in carrying the Land Purchase Acts as amended by this Act into effect may, if such Commissioner was not a Judicial Commissioner and the question is one of law, require the case to be reheard by a Judicial Commissioner, and in any other case may require the question to be reconsidered by a Judicial Commissioner and two other Commissioners, one of whom shall be a Commissioner appointed under the Purchase of Land (Ireland) Act, 1885, except where, owing to unavoidable absence, illness, or a vacancy in office, such a Commissioner is not available; provided that if the Judicial Commissioner thinks it desirable the case shall be re-heard by those three Commissioners. Appeals under Land Purchase Act. 48 & 49 Vict. c. 73.

42. A mortgagee in possession with power of sale shall for all the purposes of the Land Purchase Acts be deemed to be a landlord. Powers of mortgagee.

PART IV.

PART IV.

CONGESTED DISTRICTS BOARD.

Purchase and sale by Congested Districts Board under the Land Purchase Acts.

43.—(1.) Where the Congested Districts Board have agreed to purchase land, whether in a congested districts county or elsewhere, the Land Commission, on a request from the Board stating the congested districts county for the benefit of which the land is purchased, and the amount of the purchase-money, shall subject as in this section mentioned advance the purchase-money to the Board in like manner as if the Board were a tenant purchasing his holding under the Land Purchase Acts as amended by this Act.

(2.) The advance shall not be made, if it exceeds, or together with any previous advance on account of the county for the benefit of which the land is purchased not repaid or written off will exceed, twenty-five times the share of the county in the interest on the church surplus grant (referred to in section thirty-five of the Purchase of Land (Ireland) Act, 1891), after deducting from that share any prior charges, whether under this section or otherwise, including such proportion of contingent charges under Part Two of the Purchase of Land (Ireland) Act, 1891, as the Treasury may fix.

54 & 55 Vict. c. 48.

54 & 55 Vict. c. 48.

(3.) The advance shall be repaid by the board by an annuity of the same amount, and involving the same interest and sum for repayment of capital, as if it were an annuity payable by a tenant purchasing his holding, and the amount of such annuity shall be deducted by the Land Commission from the interest on the church surplus grant.

(4.) Where the Land Commission make an advance to a tenant for the purchase of his holding from the Congested Districts Board, the amount of the advance shall be written off the debt due from the Board for advances made to them on account of the congested districts county for the benefit of which the Board purchased the land, in such manner as may be arranged between the Land Commission and the Board, and shall be treated as the redemption of a proportionate part of the annuities payable by the Board to the Land Commission.

(5.) Where land is purchased by the Congested Districts Board for the benefit of more than one congested districts county, the Board shall state in their request to the Land Commission the proportion of the purchase money which is to be treated as being advanced for the benefit of each county.

(6.) The Land Commission shall not make any advance in respect of any purchase by a tenant from the Board of a small holding, as defined in the Purchase of Land (Ireland) Act, 1891.

54 & 55 Vict. c. 48.

(7.) The Congested Districts Board shall not buy any land held under a lease for a term of years of which less than sixty are unexpired at the time of the sale, unless they hold or buy the reversion expectant upon the determination of such lease.

Sales by Congested Districts Board of small

44.—(1.) The Congested Districts Board may sell land to a tenant of a small holding for the price agreed upon, and credit the purchaser with the whole or any part of the purchase money,

and such purchase money shall be secured to the satisfaction of the Board, and be payable by such annuity payable half-yearly, and calculated at such rate of interest, as may be agreed on.

PART IV. holdings otherwise than under Land Purchase Acts.

(2.) For carrying such sale into effect the Trustees of the Congested Districts Board may convey the land to the purchaser charged with the said annuity; but the conveyance shall not operate to convert the interest of the purchaser in the holding into real estate.

(3.) The particulars of any such conveyance may be communicated to the Land Commission, and thereafter they shall issue half-yearly applications for payment of the half-yearly instalments of the annuity charged on the holding, and shall credit or pay to the Congested Districts Board all sums received by the Commission in respect thereof, and shall furnish to the Board particulars of all instalments for which they issue applications under this section, showing which have and which have not been paid.

(4.) The Trustees of the Congested Districts Board shall have for the recovery of any such instalments unpaid the same remedies as the Land Commission have for the recovery of unpaid instalments of an annuity under the Land Purchase Acts.

(5.) Holdings purchased under this section, while subject to any annuity for the payment of purchase money, shall not be subject to the provisions of the Local Registration of Title (Ireland) Act, 1891, but shall be subject to all the provisions of the Land Purchase Acts respecting a holding subject to an annuity under those Acts; and the power under those provisions to require a holding to be sold when subdivided by reason of the death of the proprietor may be exercised within twelve months after the subdivision becomes known to the Congested Districts Board, notwithstanding that it is more than twelve months after the death.

54 & 55 Vict. c. 66.

(6.) Whenever, upon the amalgamation of small holdings, part of the amalgamated holding is subject to an annuity under this section, and the amalgamated holding is not a small holding, the Congested Districts Board may agree with the occupier of such amalgamated holding for the purchase by him of that holding under the Land Purchase Acts, and the Land Commission may sanction the agreement and make an advance as if such occupier was in occupation of the whole of such holding under a contract of tenancy.

(7.) On such last-mentioned advance being made by the Land Commission, the balance of the principal of the purchase money payable by the annuity under this section shall be treated as repaid to the Board out of the advance, and the purchaser and the holding shall be discharged from all liability in respect of the said annuity.

45. Rules for carrying into effect this Part of this Act may be made by the Lord Lieutenant after communication with the Land Commission and the Congested Districts Board.

Rules for Part of Act.

PART V.

PART V.

EVICTED TENANTS.

Re-enactment with modifications of 54 & 55 Vict. c. 48. s. 13.

46. Section thirteen of the Purchase of Land (Ireland) Act, 1891, is hereby re-enacted, and shall have effect with the modification following: Twelve months of the commencement of this Act shall be substituted for six months of the passing of this Act.

Application to Land Commission for reinstatement of tenant or for purchase of holding.

47.—(1.) Where the tenancy of a holding has been determined at any time after the first day of May, one thousand eight hundred and seventy-nine, the landlord or the former tenant of the holding, or both jointly, may, within twelve months of the commencement of this Act, apply in the prescribed manner to the Land Commission to act as mediators with a view to the reinstatement of the tenant in the holding or with a view to the purchase of the holding by the tenant.

(2.) Upon any such joint application with a view to reinstatement, the Land Commission may declare the terms and conditions as to rent, and the payment of arrears, or otherwise, upon which they consider that it would be reasonable that the former tenant should be reinstated in the holding, and upon the parties consenting within the prescribed time and in the prescribed manner, may make an order reinstating the tenant in his holding upon the said terms and conditions.

(3.) Upon any such joint application with a view to the sale of the holding, the Land Commission may declare the amount of the advance which they are prepared to sanction, and the conditions (if any) to be fulfilled previously to the making of such advance, and upon the parties consenting within the prescribed time and in the prescribed manner, may order an advance, subject to the said conditions, in like manner as if an agreement had been made under section thirteen of the Purchase of Land (Ireland) Act, 1891, as re-enacted by this Act.

54 & 55 Vict. c. 48.

(4.) Upon such application, whether for reinstatement or for a sale being made by either the landlord or the former tenant of the holding, the Land Commission may, if they think fit after making such inquiry as they think advisable, serve in the prescribed manner upon the party not having made the application a notice calling upon him to state whether he consents to the application being treated as a joint application, and, if the party so served does not within the prescribed time after such service object, a joint application within the meaning of the section shall be deemed to have been made for reinstatement or for a sale, as the case may be, and the Land Commission may thereupon proceed under this section accordingly.

(5.) Every order under this section shall be binding upon all persons, and be final and conclusive.

(6.) An order under this section shall not be made in the case of a holding which, on the first day of January one thousand eight hundred and ninety-six, was in the occupation of a tenant.

(7.) For the purposes of this section, the expression "former tenant" shall include the heir or personal representative, as the case may be, of the former tenant. PART V.

PART VI. PART VI.

SUPPLEMENTAL.

48.—(1.) In this Act, unless the context otherwise requires— Definitions.

The expression "dwelling-house" includes any out-house, curtilage, and garden appurtenant thereto:

The expressions "landlord" and "tenant" include respectively the predecessors in title of a landlord or tenant:

The expression "limited owner" means a limited owner within the meaning of section twenty-six of the Landlord and Tenant (Ireland) Act, 1870, and includes any person having the powers of a tenant for life under the Settled Land Acts, 1882 to 1890: 33 & 34 Vict. c. 46.

The expression "lease" includes an agreement for a lease:

The expression "Land Law Acts" means the Land Law (Ireland) Act, 1881, except Part. V. thereof, the Land Law (Ireland) Act, 1887, except Part II., and the Land Law (Ireland) Act, 1888, and the Timber (Ireland) Act, 1888, and the Land Law (Ireland) Act, 1888, Amendment Act, 1889, and the Redemption of Rent (Ireland) Act, 1891, and does not include the Landlord and Tenant (Ireland) Act, 1870, except so far as the provisions of it are necessary for giving effect to the above-mentioned portion of the Land Law (Ireland) Act, 1881: 44 & 45 Vict. c. 49. 50 & 51 Vict. c. 33. 51 & 52 Vict. cc. 13, 27. 52 & 53 Vict. c. 59. 54 & 55 Vict. c. 57. 33 & 34 Vict. c. 46.

The expression "Land Purchase Acts" means the Purchase of Land (Ireland) Act, 1891, the Land Purchase Acts as therein defined, and the Redemption of Rent (Ireland) Act, 1891: 54 & 55 Vict. cc. 48, 57.

The expression "permanent building" shall include permanent structures and sea and river embankments having a permanent character:

The expression "judicial rent" means a fair rent, whether fixed by the court or by agreement or arbitration or by demand of the landlord accepted by the tenant, and any reference to an application to fix a fair rent shall include a reference to an agreement to fix a fair rent or to refer to arbitration the fixing of a fair rent, or to the demand of an increased rent by the landlord:

The expression "prescribed" means prescribed by rules made by the Land Commission, save that where the expression refers to financial matters it shall mean prescribed by rules made by the Treasury, and where the expression relates to matters connected with the Land Judge it shall mean prescribed by rules made under Part Two of this Act:

The expression "Receiver Judge" means the judge assigned under section nineteen of the Purchase of Land (Ireland) Act, 1885, for the execution of the duties in that section mentioned. 48 & 49 Vict. c. 73.

(2.) In the definition of "holding" contained in the Land Law (Ireland) Act, 1881, "parcel of land" shall be deemed to include an undivided share of land, whether held alone, or held under the same contract of tenancy with land held in severalty. 44 & 45 Vict. c. 49.

PART VI.

(3.) Any jurisdiction vested by this Act in the High Court in relation to the purchase money under the Land Purchase Acts, or otherwise in relation to those Acts, shall, subject to rules of court, be exercised by a Land Judge.

Saving of Ulster tenant right custom.

49. Nothing in this Act contained shall prejudice or affect any right, benefit, or presumption, exercised or enjoyed under or by virtue of the Ulster tenant right custom, or any usage corresponding thereto.

Application and construction of Parts of Act.

50.—(1.) Part One of this Act shall, save as is by this Act expressly provided, apply to every proceeding pending at the commencement of this Act.

(2.) An application to fix a fair rent for a holding shall not be refused on the ground of any previous decision with reference to the holding or any part thereof, whether between the same parties or otherwise, if such application can be sustained under this Act or any of the Land Law Acts as amended by this Act, and where a tenant would, if this Act had been in force at the passing of the Land Law (Ireland) Act, 1881, be now a present tenant, and either the landlord has not, since the passing of the said Act, or the thirty-first day of December one thousand eight hundred and eighty-two, as the case may be, resumed possession of the holding, or if he resumed the tenant has redeemed or been reinstated in his former tenancy, the tenant shall be deemed a present tenant for the purpose of any such application.

44 & 45 Vict. c. 49.

(3.) Parts One and Two of this Act shall be construed as one with the Land Law Acts, and together with those Acts may be cited as the Land Law Acts, and shall apply to all holdings to which the Land Law Acts, or any of them, as amended by this Act, apply, and section twenty-two of the Land Law (Ireland) Act, 1881, shall apply as if the said Acts and Parts of this Act were part of the foregoing provisions of the said Act of 1881, within the meaning of the said section.

44 & 45 Vict. c. 49.

(4.) Parts Two, Three, and Five of this Act shall be construed as one with the Land Purchase Acts as herein defined, and together with those Acts may be cited as the Land Purchase Acts.

(5.) The provisions of Part III. of this Act with respect to superior interests and a vesting order shall not, without the consent of the vendor and purchaser, apply to proceedings in respect of any agreement made before the commencement of this Act.

(6.) Part Four of this Act shall be construed as one with the Congested Districts Board (Ireland) Acts, as defined in the Congested Districts Board (Ireland) Act, 1894, and together with those Acts may be cited collectively as the Congested Districts Board (Ireland) Acts.

57 & 58 Vict. c. 50.

Short title.

51. This Act may be cited as the Land Law (Ireland) Act, 1896.

Repeal.

52. The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE.

Section I. (1).

FORM OF SCHEDULE FOR RECORD.

Particulars of Holding taken into consideration in fixing the Judicial Rent.

No. of Ordnance Sheet.

County — Tenant

Record No. — Landlord

Date upon which holding inspected — day of — 189 .

Who attended inspection on behalf of Landlord?

Do. on behalf of Tenant?

1. Character of holding:—

The land in a holding may be all of uniform character, or it may consist of two or more of the qualities of land indicated in the following Schedule, which should be carefully filled up according to the facts. The acreage of each class of land found in the holding should be set out in the column given for the purpose, and this area should be marked off with a blue coloured line on the Ordnance Survey Map of the holding, and also marked with the letter or letters corresponding with same in the Schedule. These areas should be stated with as near an approach to accuracy as under the circumstances is possible. The record number of the holding should in each case be marked on the Map, and where more than one holding is marked on the Map a Schedule of holdings with the record numbers, and tenants' names is to be written on the right hand margin on the Map. *The exterior boundaries of each holding must be carefully marked on the Map, with a red coloured line.*

(1.) SCHEDULE of classes of land.

	Area in Statute Measure.			Fair Rent per Acre (excluding Buildings), on the assumption that all Improvements thereon were made or acquired by the Landlord.		
Grass Lands:	A.	R.	P.	£	s.	d.
A 1st class						
B 2nd class						
C 3rd class						
D 4th class						
E 5th class, mountain and unreclaimed bog						
F 1st class, permanent meadow						
G 2nd class, permanent meadow						
Land in tillage or worked in rotation, including pasture or meadow of a temporary character:						
H 1st class						
I 2nd class						
K 3rd class						
L 4th class, reclaimed mountain or bog						
X waste (description)						
Total area						

2. For what description of stock is the grass land best suited?

3. Carrying power in sums or collops of grass land, stating the months during which the season usually continues, and how hay is provided?

4. How is the holding used?

5. The condition as to cultivation, deterioration or otherwise of the holding and the buildings thereon. Does the soil show traces of improvement or of deterioration, and to whom is the improvement or deterioration to be attributed?

6. Does the holding or any part of it require to be drained, and if so, how much of the holding? Mark part requiring drainage on map by thin parallel black lines.

7. IMPROVEMENTS: Proved in Court (excluding buildings) whether made by landlord or tenant, which are at present a *bonâ fide* benefit to the holding and are found to exist on inspection, to be stated in detail, together with the nature, character, and present capital value thereof, and the increased letting value due thereto, and the date, so near as can be ascertained, at which the same were made, and the deduction from rent made.

8. BUILDINGS: If tenants state so, if landlords specify particulars of same, the date, so near as can be ascertained, at which they were made, state fair annual value, whether they have been kept in repair, and by whom, and any deduction from rent made on account thereof, and the extent (if any) to which the landlord has paid or compensated the tenant in respect thereof.

Improvements under this head shall be distinguished according as—

(*a*) they have been made wholly or partly by or at the cost of the tenant; and

(*b*) the landlord has paid or compensated the tenant in respect thereof.

9. SITUATION: As to markets, railways, and county roads.

10. What per centage (if any) has been added for proximity, or what (if any) has been deducted in consequence of remote position?

11. Give particulars of any right of turbary, commonage, mountain grazing, or seaweed—and state whether turbary is inside or outside holding, what amount has been added for any of those appurtenances.

12. LOCAL RATES—

Average poor rate in 1*l.*

" county cess in 1*l.*

13. Special incidents of holding, such as aspect, elevation, and water supply, and general observations.

To be signed by Lay Assistant-Commissioners day of 189 .

14. The following improvements included in enumeration in paragraph No. 7 were made or acquired by the tenant or his predecessors in title, and are exempted from rent.

15. For what rights (if any) referred to in answers to query No. 11 has an addition been made to the rent?

16. Upon what assumption with regard to the respective liabilities of landlord and tenant as to rates and taxes mentioned in answers to query No. 12, has the judicial rent been fixed?

To be signed by Legal and Lay Assistant-Commissioners.

17. The annual sum which should be the fair rent of the holding on the assumption that all improvements thereon were made or acquired by the landlord.

18. The fair rent of the holding.

19. If tenancy has been purchased since the Land Act, 1870, give date and amount of purchase money on each sale.

20. What changes of rent have been proved in evidence?

To be signed by Legal Assistant Commissioner alone.

SECOND SCHEDULE.

Section 52.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 46.	Landlord and Tenant (Ireland) Act, 1870.	Section thirty-five.
44 & 45 Vict. c. 49.	Land Law (Ireland) Act, 1881.	In section eight, sub-section (2), from "as from the period" down to "decision of the court," and sub-section (3), from "from the rent day" down to "has been given." Section twenty-four, from "as follows" to "fair rent for the holding," being the end of sub-section (1). In section twenty-six from "the Land Commission may advance" down to "payable by the tenant," being sub-section (4). Section twenty-eight from the beginning down to "purchaser therein mentioned," being sub-sections (1) and (2). In section thirty, sub-section (3), from "on the terms" down to "1870," where that figure next occurs, and from "and shall pay" down to "receive the same." Section thirty-three. In section fifty-eight, sub-section (1), sub-section (2) down to "home farm or" and sub-sections (3) and (4).

Session and Chapter.	Short Title.	Extent of Repeal.
48 & 49 Vict. c. 73.	Purchase of Land (Ireland) Act, 1885.	In section two, from "it shall not be lawful" to the end of the section, being paragraph (*c*). In section four, the words "such "value to be calculated according "to the table in the Schedule to "this Act." Section nine, sub-sections (1) and (2). In section fourteen, from "the Land Commission shall register" down to "local registration." In section seventeen, from "the ad- "ditional members of the Land "Commission" down to "with the the said additional Commissioners." Section twenty-four.
50 & 51 Vict. c. 33.	Land Law (Ireland) Act, 1887.	Section one down to "passing of this Act." In section four, from "a tenant may also" to "and otherwise." Section five. Section seventeen. In section eighteen, from "section thirty-four" to the end of the section, being sub-section (2).
51 & 52 Vict. c. 49.	Purchase of Land (Ireland) Amendment Act, 1888.	Section one, down to "said sub-section and." Section three, save as regards agreements for purchase made before the passing of this Act. Section six.
54 & 55 Vict. c. 48.	The Purchase of Land (Ireland) Act, 1891.	In section four, sub-section (2), from "in paying to the guarantee fund" to the end of the sub-section, being paragraph (*b*). Section seven, from "and an annual sum" to end of section. Section eight, save as respects any purchaser's insurance money paid before the commencement of this Act. In section twenty-nine, sub-section (1), from "provided that" to "Act, 1881" where those words next first occur; and sub-section (2). In section forty-two, from "the expression annual value" to "so determined."