



Irish Land Act 1903

1903 CHAPTER 37

PART I

LAND PURCHASE

Purchase Money of Estates

24 Distribution of purchase money

- (1) In the case of the sale of an estate to persons other than the Land Commission, so soon as a holding or parcel of land comprised in the estate is vested in the purchaser, the Land Commission shall, in pursuance of subsection one of section fourteen of the Act of 1887, pay the purchase money into the Bank of Ireland, and make an order attaching claims to the purchase money, which shall be as effectual for that purpose as a vesting order made by the Land Commission vesting land in them.
- (2) Where land is vested in the Land Commission by a vesting order made by them, or where money is paid into the Bank of Ireland as aforesaid, the Commission shall, subject to the provisions of this Act, pay interest on so much of the purchase money as is for the time being undistributed, at the rate of three and a half per cent. per annum, from the date of the order, or the payment into the Bank, as the case may be, until the whole of the purchase money is distributed, and the said interest shall be paid to the person in receipt of the rents of the land at the date of the agreement for sale, or such other person as may appear to the Land Commission to be entitled thereto.
- (3) If, in the case of an estate sold to persons other than the Land Commission, the dividends upon the investments representing the purchase money are insufficient for the payment of the said interest, the deficit shall be paid out of the purchase money.
- (4) For the purpose of giving effect to this enactment, the Land Commission may, if they think fit, in the case of a terminable charge, satisfy the same by the investment in any securities in which trustees are by law authorised to invest trust money of a capital sum the annual income of which will be sufficient to satisfy the annual amount of the charge.

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- (5) The owner of any superior or intervening interest, or any incumbrancer, may at any time apply to the Land Commission for an order that payment in respect of the annual income of his claim be made to him, out of the interest on the purchase money, or the dividends upon the investments representing the purchase money, as the case may be, and in such case the Commission, if they are satisfied that the justice of the case so requires, may make the order accordingly. In this subsection the expression " the annual income " shall include the annual amount payable in respect of the premiums on any policy of insurance where those premiums are charged upon land.
- (6) The Land Commission shall, as soon as practicable, distribute the purchase money to the persons entitled thereto whose claims upon that money have been ascertained, and for the purpose of such distribution may ascertain in the prescribed manner the amount or value of any such claim, and discharge, redeem, or satisfy the same out of the said money, and any charge or incumbrance may be paid off notwithstanding any direction, proviso, or covenant to the contrary contained in any instrument.
- (7) After the vesting order, or the payment into the Bank of Ireland, as the case may be, has been made, no proceedings shall be taken, without leave of the Land Commission, in respect of any claim against the purchase money, or the income thereof.
- (8) In the case of the sale of an estate, where at the date herein-after mentioned arrears of rent were due in respect of any holding on the estate, a sum equivalent in amount to those arrears, but not exceeding in any case one year's rent, shall be paid out of the purchase money to the person who would have been entitled to receive those arrears for his own use. The aforesaid date shall be, in the case of an estate purchased by the Land Commission, the date of the agreement for that purchase, and, in the case of an estate purchased by other persons, the date of the agreement for the purchase of the holding.
- (9) The Land Commission may cause their officers to make such investigations, and perform such other duties, as may be requisite and practicable, for the purpose of ascertaining title to and distributing the purchase money, and such ascertainment and distribution shall, to such extent as may be sanctioned by the Treasury, be made without charge to the persons entitled to the purchase money, and for the purposes aforesaid all searches directed by the Land Commission in the Local Registration of Title Office and Registry of Deeds and Registry of Judgments, shall be made without charge.
- (10) The Land Commission shall have, and may, without application being made to them, exercise, for the purpose of facilitating the completion of sales under this Act, including the distribution of purchase money, all the powers in that behalf conferred on them by the Land Purchase Acts in the case of sales from landlords to tenants.
- (11) For the purposes of this section, the Land Commission shall, in addition to any other powers which they possess, have all the powers vested in the High Court by virtue of sections seventy-eight and seventy-nine of the Lands Clauses Consolidation Act, 1845, and those sections shall apply to the Land Commission with such modifications as may be prescribed as if purchase money distributable under this section were money paid or deposited under those sections.
- (12) Proceedings by the Land Commission under this section shall not be removed into any court, or be restrained by any court, and, save as provided by this section and section forty-one of the Act of 1896, no appeal shall lie from any decision of the Land Commission.

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- (13) An appeal shall lie to the Court of Appeal from any decision under this section given by a Judicial Commissioner, or to which he is a party, and the decision of the Court of Appeal on any question other than one of law shall be final.

25 Closing day

- (1) Where an order is made by the Land Commission attaching claims to the purchase money, or where an agreement for the purchase of land is entered into by the Land Commission, the order or agreement, as the case may be, shall specify a date, in this Act referred to as "the closing day," being not more than twelve months from the date of the order or agreement.
- (2) If on the closing day the title of any person whose claim has been so attached to the purchase money, whether as vendor, or incumbrancer, or owner of a superior or intervening interest, is not established, and if a portion of the purchase money equivalent to the amount of his claim has not been invested in pursuance of the powers conferred by subsection one of section fourteen of the Act of 1887, then, until his title is established, interest in respect of the claim shall not be payable out of the purchase money or recoverable under any agreement or covenant at a higher rate than the rate payable by the Land Commission to the National Debt Commissioners in respect of outstanding advances :

Provided that this subsection shall not apply in any case where the Land Commission are satisfied that it is not owing to any act or default of such person that his title is not established and the amount of his claim invested as aforesaid.

For the purpose of this enactment interest shall be calculated on the redemption price of a superior or intervening interest.

- (3) If any person interested in the purchase money, by himself or any agent or solicitor, is guilty of any delay in taking any step in the proceedings for the ascertainment of claims which it is his duty to take, or which he has been ordered to take, and such delay is, in the opinion of the Land Commission, inexcusable, the Commission may by Order deprive him of the whole or any part of the interest to which he would have been entitled under the foregoing provisions of this Act.
- (4) Notwithstanding anything in this section any vendor or incumbrancer may apply to the court to invest the purchase money, pending distribution, in any of the securities from time to time authorised by law for the investment of trust funds.

26 Sale of lunatic's estate

Where a person who would otherwise be entitled to sell land under the Land Purchase Acts is a lunatic, the Lord Chancellor may order the land to be sold as if the sale was required for one of the purposes mentioned in section sixty-three of the Lunacy Regulation (Ireland) Act, 1871, and that section shall apply accordingly.