



# Irish Land Act 1903

## 1903 CHAPTER 37

### PART I

#### LAND PURCHASE

##### *Purchase and Resale of Estates*

#### **1 Advances for purchase of holdings where whole estate sold**

- (1) In the case of the sale of an estate, whether to the Land Commission or otherwise, when application is made for an advance under the Land Purchase Acts of the whole purchase money of a holding, and the Land Commission are satisfied that the tenant is in occupation of the holding, then, subject to the limitations in the Land Purchase Acts on advances to tenants purchasing their holdings, the Land Commission shall sanction the advance in the following cases, namely :—
- (a) In the case of the purchase of a holding subject to a judicial rent fixed or agreed to since the passing of the Act of 1896, if the purchase annuity created under this Act payable in respect of the advance will be not less than ten nor more than thirty per cent. below the existing rent; and
  - (b) In the case of the purchase of a holding subject to a judicial rent fixed or agreed to before that date, if the said purchase annuity will be not less than twenty nor more than forty per cent. below that rent:

Provided that in the case of a holding subject to a judicial rent fixed or agreed to before the passing of the Act of 1896, the Land Commission may, if they think it equitable, and if the purchase agreement so provides, treat the holding, for the purposes of this section, as a holding subject to a judicial rent fixed since the passing of the Act of 1896.

- (2) If the foregoing provisions are not complied with, the Lane Commission may, subject to the limitations in the Land Purchase Acts, sanction the advance, if they are satisfied with the security, and if, after giving all persons interested in the estate an opportunity of being heard, they consider the agreed price to be equitable having regard to the interests of all such persons as aforesaid.

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- (3) The Land Commission, if they think it expedient with £ view to the improvement of the estate, may declare that, for the purposes of this section, a portion of a holding shall be deemed a holding, and in such case may apportion the rent of the holding between the portion proposed to be purchased and the remainder of the holding.
- (4) Notwithstanding any provisions to the contrary contained in the Purchase of Land (Ireland) Amendment Act, 1888, an advance may be sanctioned under the provisions of: the Land Purchase Acts not exceeding the sum of seven, thousand pounds to one purchaser where, in the opinion of the Land Commission, it is expedient to make any such advance for the purpose of carrying out the sale of a holding to which the Land Law Acts apply.
- (5) This section shall not apply in the case of holdings on congested estates in respect of which the Land Commission have given a certificate under section six of this Act, nor in the case bi holdings on estates purchased by the Congested Districts Board.

## **2 Advances for purchase of other portions of estate**

- (1) In the case of the sale of an estate advances under the Land Purchase Acts may be made for the purchase of parcel thereof by the following persons :—
  - (a) A person being the tenant of a holding on the estate ;
  - (b) A person being the son of a tenant of a holding on the estate;
  - (c) A person being the tenant or proprietor of a holding no exceeding five pounds in rateable value, situate in the neighbourhood of the estate; and
  - (d) A person who within twenty-five years before the passing of this Act was the tenant of a holding to which the Lane Law Acts apply, and who is not at the date of the purchase the tenant or proprietor of that holding: Provided, that is the case of the death of a person to whom an advance under this paragraph might otherwise have been made, the advance may be made to a person nominated by the Land Commission as the personal representative of the deceased person.
- (2) Advances under this section shall not, together with the amount (if any) of any previous advance under the Land Purchase Acts then unrepaid by the purchaser, exceed one thousand pounds
 

Provided that the limitation in this subsection may, subject to the other limitations in the Land Purchase Acts, be, exceeded where the Land Commission consider that a larger advance may be sanctioned to any purchaser without prejudice-to the wants and circumstances of other persons residing in the neighbourhood.
- (3) The Land Purchase Acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance of this section, in like manner as if the same was a holding, and the purchaser was the tenant thereof at the time of his making the purchase, and the expression "holding" in those Acts shall include a parcel of land in respect of the purchase of which an advance has been made in pursuance of this section.

## **3 Advances to owners of estates**

- (1) Where the owner of an estate has entered into agreements under the Land Purchase Acts for the sale to persons other than the Land Commission of the estate, the Land Commission may purchase from him any demesne or other land in his occupation and

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adjacent to, or in the neighbourhood of, the estate at a price which in their opinion represents the selling value of that land, and in such case may resell the whole or any portion of that land to him ; provided that the Land Commission may, if they think it necessary for furthering the purposes of this Act, dispense with the condition in this subsection that the land purchased and resold shall be adjacent to, or in the neighbourhood of, the estate.

- (2) Where any land is so resold, or where a parcel of an estate purchased by the Land Commission is resold to the Vendor, or (in the case of an estate purchased from the land judge) to the former owner of the estate or a person nominated by the Land Commission as his representative, an advance under the Land Purchase Acts may be made not exceeding in any case one-third of the aggregate amount of the purchase money of the holdings and other parcels of land comprised in the estate, or twenty thousand pounds, whichever is the less.
- (3) In entering into agreements for the resale of any land to the vendor of an estate the Land Commission shall have regard to the amount of land available for the enlargement of holdings where they consider such enlargement necessary.
- (4) Where any land is resold in pursuance of this section a Judicial Commissioner may, if he thinks it equitable, on the application within the prescribed time of any person who, at the date of the sale of the land to the Land Commission, was entitled to any estate in remainder or reversion in that land, order, upon such terms and conditions as he may think reasonable, that the land so resold shall devolve in accordance with the terms of the settlement which at the date of the sale to the Land Commission affected it.
- (5) If the owner of any demesne or other land subject to settlement and sold to the Land Commission does not repurchase the same within the prescribed time, the Land Commission may make an advance under this section to the trustees of the settlement, and in such case the land resold shall be held subject to the trusts of the settlement.
- (6) Any land resold in pursuance of this section shall not be subject to the provisions of the Local Registration of Title (Ireland) Act, 1891, relating to the devolution of freehold registered land,

#### **4 Advances to trustees**

- (1) In the case of the sale of an estate advances under the Land Purchase Acts may be made for the purchase, by any trustees, approved of by the Land Commission, of any parcel of the estate to be held subject to the provisions of this Act, for the purposes of turbarry, pasturage, the raising of sand or gravel, the cutting or gathering of seaweed, the planting of trees, or the preservation of game, fish, woods or plantations, or for the purposes of the Labourers (Ireland) Acts, 1883 to 1896, as amended by this Act.
- (2) An advance in pursuance of this section may be of such amount as the Lord Lieutenant may sanction.

#### **5 Sanction of advances in cases not within zones**

In the case of the sale of an estate where an application for an advance, to which the provisions of subsection one of section one of this Act do not apply, is made, the Land Commission may, subject to the limitations in the Land Purchase Acts, advance the whole or part of the purchase money if they are satisfied with the security and are

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of opinion that, having regard to all the circumstances of the case, the agreed price is equitable.

## **6 Purchase of estates by Land Commission**

- (1) Where the owner of an estate makes an application in the prescribed form to the Land Commission requesting them to enquire into the circumstances of the estate with a view to the sale thereof under this Part of this Act, the Land Commission may, after due enquiry, propose to purchase the estate, and in estimating the price shall have regard to the foregoing provisions of this Act in respect of advances, and to the prices which the tenants and other persons are willing to give for the holdings and other parcels of land comprised in the estate.
- (2) If within the prescribed time the owner of the estate agrees to sell the estate at the estimated price, and tenants of holdings on the estate, to the extent of not less than three-fourths in number and rateable value, undertake to purchase from the Land Commission their holdings, or other designated parcels of land in lieu thereof, for the respective amounts on the basis of which the price of the tenanted portion of the estate was estimated by the Commission, the Commission may agree to purchase the estate for the estimated price.
- (3) The Lord Lieutenant may, under special circumstances and with the approval of the Treasury, dispense with the condition in the last preceding subsection as to undertakings to purchase holdings, where the Land Commission certify to him that they are of opinion that the resale of the estate can be effected without prospect of loss.
- (4) In the case of a congested estate as defined by this section, if the Land Commission, with the consent of the owner, certify to the Lord Lieutenant that the purchase and resale of the estate are desirable in view of the wants and circumstances of the tenants thereon, then the Land Commission may purchase the estate for a price to be agreed upon, and in such case the condition in this section as to resale without prospect of loss may be relaxed to such extent as the Lord Lieutenant may determine.
- (5) The expression "congested estate" means an estate not less than half of the area of which consists of holdings not exceeding five pounds in rateable value, or of mountain or bog land, or not less than a quarter of the area of which is held in rundale or intermixed plots.

## **7 Sales in Court of Land Judge**

Where it appears to the Land Commission expedient to take steps with a view to the purchase, for the purposes of this Part of this Act, of an estate for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858, the following provisions shall have effect:—

- (1) The Land Judge may, at the request of the Land Commission, cause the Commission to be furnished with such particulars and documents as they may require respecting the estate, including a schedule in the prescribed form of the tenancies thereon and a statement of the superior interests (if any) to which the estate is subject:
- (2) The Land Commission, after causing the estate to be inspected, may, subject to the provisions of the last preceding section as to undertakings to purchase holdings and resale without prospect of loss, make an offer to the Land Judge for the purchase of the estate, or of any part thereof, discharged from the claims of all persons who

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are interested in the estate, whether in respect of superior or intervening interests, or incumbrances, or otherwise, and the offer shall contain the following particulars :—

- (a) The land comprised in the offer;
  - (b) The arrears of rent which are to be transferred to the Commission; and
  - (c) The amount of the purchase money :
- (3) The Land Judge, after giving such notice of the offer as he thinks fit, and after giving all parties interested in the estate an opportunity of being heard, shall, if he does not consider the offer sufficient, as soon as practicable, unless the offer is in the meantime withdrawn, put up for public auction the land specified therein discharged from all claims as aforesaid, but subject to the conditions mentioned therein as to arrears of rent or otherwise, and shall, unless he considers it unreasonable or unjust, having regard to the interests of any such party as aforesaid, sell the same to the highest bidder.
- (4) Where an estate is sold in pursuance of this section the Land Judge shall have all the powers for the apportionment and redemption of superior and intervening interests conferred on him by the Land Purchase Acts:
- (5) An order of the Land Judge declaring the Land Commission to be the purchasers of any land shall have the effect of an order vesting land in the Commission made by them under this Part of this Act, and shall also vest in them the right to collect and recover any arrears of rent specified in the order, and a certified copy thereof shall be transmitted to the registering authority under the Local Registration of Title (Ireland) Act, 1891, and the Land Commission shall thereupon be registered, under that Act, as the absolute owners of the land :
- (6) Where the Land Commission make an offer under this section for the purchase of an estate, the provisions of section forty of the Act of 1896 shall be suspended and shall not have effect, in the case of that estate, unless and until the offer is withdrawn or the estate is put up for auction and not sold.

## **8 Purchase of untenanted land**

The Land Commission may purchase any untenanted land which they consider necessary for the purpose of facilitating the resale, or redistribution, of estates purchased, or proposed to be purchased, by them, and the foregoing provisions of this Act, with respect to advances for the purchase of parcels of land comprised in estates, shall apply in the case of the sale by the Commission of any parcel of such untenanted land.

## **9 Limitations on spending powers of Land Commission**

- (1) There shall not be at any time vested in the Land Commission lands exceeding in the aggregate, according to the estimate of the Commission, as approved by the Treasury, the capital value of five million pounds in respect of which undertakings to purchase have not been received by the Commission.
- (2) The Land Commission shall not in any one year enter into agreements involving the expenditure, on the purchase of congested estates, of sums which would in the aggregate exceed by more than ten per cent the aggregate sums, for which the Commission estimate that those estates can be resold by them: Provided that, for the purposes of this enactment, any money which the Land Commission have expended, or propose to expend, on the improvement of those estates shall be deemed to be

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repayable in full out of the purchase money on resales, and shall not be included in the estimate in calculating the ten per cent.

- (3) For the purposes of this section the acceptance by the Land Judge of an offer shall be deemed an agreement.

## **10 Exclusion of certain estates**

No estate shall be purchased by the Land Commission which is not in the main agricultural or pastoral.

## **11 As to guarantee deposit**

No guarantee deposit shall be made or retained in respect of an advance made in pursuance of the foregoing provisions of this Act.

## **12 Provisions with respect to improvements**

- (1) The Land Commission may take such steps and execute, or cause to be executed, such works as may appear expedient for the benefit- or improvement of estates, or untenanted land, purchased or proposed to be purchased under this Act, or for the use or enjoyment thereof or generally for the purposes of this Act.
- (2) For the purpose of carrying this section into effect the Land Commission shall have all the powers for facilitating resales of land conferred on the Congested Districts Board by sections one and two of the Congested Districts Board (Ireland) Act, 1901, as amended by this Act, and those sections, as so amended, shall apply accordingly, with the substitution of the Land Commission for the Congested Districts Board:

Provided that where, with the consent of a tenant, the area of his holding is altered, or he is put into possession of a new holding, the Land Commission may order that such charges, liabilities, and equities as affect the tenant's interest in his former holding shall either continue to affect that holding, or be transferred to his altered or new holding :

Provided also, that the powers mentioned in section one of the said Act of 1901 shall not be exercised by the Land Commission unless they certify to the Lord Lieutenant that those powers are necessary for the benefit or improvement of a congested estate.

## **13 Provision with respect to sporting rights and minerals**

- (1) Where at the time of sale of any land to the Land Commission or to tenants or others the vendor has, subject to the provisions of the Ground Game Act, 1880, sporting rights, exclusive of the tenant, those rights may by agreement between the vendor and purchaser be either conveyed to the purchaser or be expressly reserved to the vendor, and in the absence of such agreement those rights shall be vested in the Land Commission, and the Land Commission may deal with the same, subject to regulations to be made by the Lord Lieutenant.
- (2) The expression "sporting rights" includes any right of hunting, shooting, fishing, and taking game or fish on any land, and the expression "game" has the same meaning as in section five of the Act of 1881, and also includes deer.
- (3) On the sale under the Land Purchase Acts of any land by the Land Commission, or of any land comprised in an estate by the owner of the estate, there shall be reserved,

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in the prescribed manner, to the Commission the exclusive right of mining and taking minerals, and digging and searching for minerals, on or under that land, and the said right shall be disposed of by the Commission in manner hereafter to be provided by Parliament:

Provided that this subsection shall not apply—

- (a) to any demesne or other land resold in pursuance of section three of this Act; or
- (b) to any such right which constitutes a superior interest, or which is vested in the Crown ; or
- (c) to any stone, gravel, sand, or clay:

Provided also, that where any such right reserved to the Land Commission under this subsection is at any time hereafter let, leased, sold, or demised by them, the vendor (or the person who would have been entitled thereto if the lands had not been sold) shall be entitled to receive twenty-five per cent. of any rent, purchase-money, or other net profit received by the Land Commission in respect of same, unless the Land Commission shall have purchased from the person entitled to such percentage his interest therein, and the Land Commission may purchase such interest at anytime on such terms as may be sanctioned by the Treasury.

- (4) Where any right mentioned in this section is so reserved, there shall be attached thereto a right to enter upon the land in respect of which the first-mentioned right may be exercised, and to authorise any persons so to do; but any person entering upon land in pursuance of this subsection shall be liable to make reasonable amends and satisfaction for any damage done or occasioned thereby.
- (5) Any person authorised by or in pursuance of, the last preceding subsection to enter upon land, for the purpose of exercising a sporting right shall have the same authority to prosecute for trespass in pursuit of game or fish as if he were the occupier of that land.

#### **14 Reservation of ancient monuments**

- (1) Where any land, which is vested under the Land Purchase Acts in a purchaser, contains any ancient monument which, in the opinion of the Land Commission, is a matter of public interest, by reason of the historic, tradition, or artistic interest attaching thereto, they may, with the consent of the Commissioners of Public Works in Ireland, by order declare that the property in the monument shall not pass to the purchaser, and make an order vesting the monument in those Commissioners.
- (2) Where any such order is made, the provisions of the Ancient Monuments Protection Act, 1882, with respect to the maintenance of, and access and penalties for injury to, ancient monuments, shall apply as if the monument were a monument under the guardianship of those Commissioners in pursuance of that Act.
- (3) Where those Commissioners refuse to consent to the vesting of any such monument in them, the Land Commission may, with the consent of the council of the county within which the monument is situate, make an order vesting the monument in that council, and subsection two of section nineteen of the Local Government (Ireland) Act, 1898, shall thereupon apply.
- (4) In this section the expression "ancient monument" means any ancient or mediaeval structure, erection, or monument, or any remains thereof.

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## **15 Sub-tenancies and subdivided holdings**

- (1) In the case of the sale of an estate the Land Commission may, if they think fit, declare that any person who, as a-subtenant, is in the exclusive occupation of a parcel of land comprised in the estate shall be deemed the tenant of that parcel, and that the parcel shall be deemed a holding.
- (2) The Land Commission shall in such case redeem the interests (in this Part of this Act referred to as "intervening interests " intervening between the owner of the estate and the person in such exclusive occupation as aforesaid, at a price which, in default of agreement between the owner of the estate and the owner of the intervening interest within the prescribed time, shall be fixed by the Land Commission, and the redemption money shall be paid out of the purchase money of the estate, and be dealt with in like manner as if it were the redemption money of a superior interest, or in such other manner as appears to the Commission equitable: Provided that if the Land Commission are of opinion that any intervening interest is of no appreciable value, they shall by order declare that interest to be extinguished.
- (3) The foregoing provisions of this section shall not apply where any intervening interest is an interest sufficient to constitute the owner thereof a person having power to sell under the Land Purchase Acts to tenants.
- (4) Where a holding comprised in any such estate is held by joint tenants or tenants in common, or is subdivided between two or more persons, and the Land Commission are satisfied that such tenants or persons are in the exclusive occupation of separate portions thereof, the Commission may, if they think fit, for the purpose of the foregoing provisions of this Act, declare that any such tenant or person shall be deemed the tenant of the parcel of land in his exclusive occupation, and that such parcel shall be deemed a holding, and may apportion the rent of the holding between such tenants or persons as the justice of the case may require.
- (5) Any person aggrieved by any decision of the Land Commission under this section may in the prescribed manner appeal to a Judicial Commissioner.
- (6) For the purpose of the sale of an estate by the Land Judge to the Land Commission, the Land Judge shall have the powers conferred on the Commission by this section, but no appeal shall lie from any decision of the Land Judge under this section.

## **16 Purchase agreement and vesting order**

- (1) The Land Commission may, where they agree to purchase any land, make a vesting order which shall be effectual to vest in the Commission the fee simple of the land purchased, subject—
  - (a) to any public rights affecting the land ;
  - (b) to any sporting rights reserved by the vendor;
  - (c) to any maintenance charge under the Public Works Acts ; and
  - (d) to any interests of the tenants on the land, or of persons having claims upon those interests, and to any easements, rights, and appurtenances mentioned in section thirty-four of the Act of 1896 ;

but, save as aforesaid, and subject to the provisions of this Act with respect to minerals, discharged from the claims of all persons who are interested in the land, whether in respect of superior or intervening interests or incumbrances or otherwise, and all such claims shall, as from the date of the vesting order, cease as against the land and attach



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to the purchase money in like manner as immediately before the date of the order they attached to the land.

- (2) At any time not less than two months before making a vesting order under this section the Land Commission shall publish the prescribed advertisements, and shall serve such notices as they may think necessary stating their intention to make the order and the effect thereof, and any person interested in the land may, in the manner and within the time prescribed, show cause against the vesting order being made, and in such case unless the cause shown is disallowed the order shall not be made.
- (3) A certified copy of every vesting order under this section shall be transmitted to the registering authority under the Local Registration of Title (Ireland) Act, 1891, and the Land Commission shall thereupon be registered under that Act as the absolute owners of the land, discharged from all claims as hereinbefore provided.

## **17 Persons whom Land Commission may deal with as owners**

- (1) Where any person proposing to sell land under the foregoing provisions of this Act gives prima facie evidence that he is a person having power to sell under the Land Purchase Acts, and satisfies the Land Commission that for not less than six years immediately preceding he or his immediate predecessor in title has been, personally or by an agent, in receipt of the rents or profits of the land, he may, if the Land Commission think fit, subject to such conditions with respect to advertisements and notices as may be prescribed, be dealt with as the owner of the land for all purposes other than the distribution of purchase money, or the payment of any percentage out of the Land Purchase Aid Fund established under this Act, without any further investigation of his title.
- (2) Where any person not under disability satisfies the Land Commission that he is the limited owner of any land, he may, if the Land Commission think fit, be dealt with as the owner of the land for the purposes aforesaid, whether there is or is not a trustee of the settlement for the purposes of the Settled Land Acts, 1882 to 1890, and whether the consent of such trustee (if any) has or has not been obtained.

## **18 Rents and profits recoverable by Land Commission**

- (1) The rents and profits of any land agreed to be purchased by the Land Commission, together with any interest under section thirty-five of the Act of 1896, which interest shall be at a rate of not less than three and a half per cent. per annum, and, subject to the provisions of this section, any arrears of rent due at the date of the purchase agreement, and not remitted by the Commission, shall from the date of the agreement be payable to and recoverable by the Commission in like manner as if they were instalments of purchase annuities charged upon holdings.
- (2) Interest on the purchase money, at the rate of three and a half per cent. per annum, shall be paid by the Land Commission to the person in receipt of the rents of the land at the date of the agreement, or such other person as may appear to the Land Commission to be entitled thereto, from the date of the agreement until the land is vested in the Commission :

Provided that if the land does not become vested in the Land Commission the foregoing provisions of this section shall cease to have effect as from the date on which the Commission certify that the sale cannot be completed, and an account shall be rendered by the Commission as between the moneys received by them and any

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interest paid by them under those provisions, and the balance (if any) certified by the Commission shall be paid by or to them accordingly, and the certificate shall be conclusive of the matters stated therein.

- (3) Section thirty-five of the Act of 1896 shall, subject to the provisions of this section, apply with the necessary modifications to the case of an agreement with the Land Commission for the purchase of a holding.

## **19 Power to declare certain tenants to be purchasers**

Where an estate is purchased by the Land Commission and tenants on the estate to the extent of three-fourths in number and rateable value have agreed to purchase their holdings, the Estates Commissioners may, if, having regard to the circumstances of the case, they think it expedient, order that the remaining tenants, or any of them, shall be deemed to have accepted the offers made to them, and the Land Purchase Acts shall apply accordingly, where the tenant could have obtained an advance of the entire purchase money, and the Land Commission have offered in the prescribed manner to make the advance.

## **20 Schemes for user of land by trustees**

- (1) Where any land is purchased by means of an advance under the Land Purchase Acts by any trustees for the purposes mentioned in section four of this Act, the trustees shall hold the land upon such terms and conditions and with such rights and powers as may be specified in a scheme framed by the Lord Lieutenant or approved of by him, and any such scheme shall contain provisions for the appointment of new trustees, and for an appeal to the Lord Lieutenant by any person aggrieved by any action or omission of any trustees in carrying the scheme into effect, and for enabling the Lord Lieutenant, on the hearing of any such appeal, to make such order as may appear to him just.
- (2) Where any land so purchased is not required for any of the purposes aforesaid it may be disposed of for any public purposes approved of by the Lord Lieutenant.

## **21 Regulations as to turbary on holdings**

- (1) In the case of the sale of an estate where portion of a holding consists of bog, and the purchaser had not an exclusive right of turbary before such sale, the Land Commission may make regulations, authorising the cutting or making of turf on that bog by any occupiers of land in the neighbourhood of the said holding for whose requirements such turf appears to be necessary, upon such terms, as to payment or otherwise, as may appear to them to be just, and those regulations may confer a right to enter upon any land for the purpose aforesaid.
- (2) Regulations under this section shall secure that the cutting or making of turf will not prevent the future reclamation of the bog, and that sufficient turf and pasturage will be left for the use of the proprietor of the holding for a reasonable period.
- (3) Regulations under this section shall provide that any person entering upon any land under their authority shall make reasonable amends and satisfaction for any damage done or occasioned thereby.
- (4) Any regulations under this section may provide for the punishment of any breach of them by a fine not exceeding five pounds, recoverable in a summary manner.

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## **22 Power of Land Commission to determine disputes between proprietors of holdings**

On the application in the prescribed manner of any proprietors of holdings purchased under the Land Purchase Acts, the Land Commission may, at the request of the parties interested, if they think fit, determine all questions which may arise respecting the boundaries of the holdings, easements, or appurtenances, claimed by any of such proprietors against any other proprietors or tenants of holdings.

## **23 Certain powers and duties of Land Commission to be exercise 1 by Estates Commissioners**

- (1) The jurisdiction, powers, and duties of the Land Commission under the foregoing provisions of this Act shall be exercised and performed exclusively by three members of the Commission (in this Act referred to as "the Estates Commissioners ") to be nominated or appointed as herein-after mentioned. Any question of law may, if the Estates Commissioners think fit, and shall on the application of any person interested, be referred for the decision of a Judicial Commissioner, unless the Estates Commissioners certify in writing that the application is frivolous.
- (2) Any person aggrieved by any refusal of the Commissioners so to refer any such question may, in the manner prescribed by rules under section sixty-one of the Supreme Court of Judicature (Ireland) Act, 1877, as amended by any enactment, and within the time prescribed by the Judicial Commissioner, apply to the High Court, or any judge thereof, for an order requiring the Commissioners so to refer the question, and the decision of the High Court or judge upon any such application shall be final.
- (3) One of the Estates Commissioners shall be an existing member of the Land Commission, to be nominated by the Lord Lieutenant, and the others shall be persons to be appointed by His Majesty, by warrant under the Royal Sign Manual, as additional members of the Land Commission.
- (4) The persons so appointed shall be paid out of money provided by Parliament an annual salary of two thousand pounds.
- (5) The Estates Commissioners shall hold office during pleasure, but any Estates Commissioner shall only be removed from his office by an Order in Council, and any such Order shall be laid before each House of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament, within the next subsequent forty days on which that House has sat next after any such Order is laid before it, praying that the Order may be annulled, His Majesty in Council may annul the Order, and it shall thenceforth be void.
- (6) Whenever a vacancy occurs in the office of a person so nominated or appointed by his death, resignation, inability to act, or otherwise, or of any person appointed in his place, His Majesty may, if he thinks fit, by warrant under the Royal Sign Manual, appoint some person to fill the vacancy.
- (7) The two vacancies occurring next after the commencement of this Act in the number of the members of the Land Commission, other than the Judicial Commissioner, or an Estates Commissioner, shall not be filled.
- (8) The Estates Commissioners, in carrying the foregoing-provisions of this Act into effect, shall be under the general control of the Lord Lieutenant, and shall act in accordance with such regulations as may be made by him from time to time.

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- (9) For the purpose of assisting the Estates Commissioners in carrying the aforesaid provisions into effect the Lord Lieutenant may, after consultation with the Land Commissioners, nominate such officers of the Land Commission, and may, with the consent of the Treasury as to number and remuneration, appoint or authorise the employment of such other persons as may be necessary, and the remuneration of those persons shall be paid as part of the expenses of the Land Commission.
- (10) Such officers and other persons shall perform such duties as may be assigned to them by the Estates Commissioners.
- (11) Sales of estates to the Estates Commissioners and sales by those Commissioners to tenants and others may be negotiated by any land agents, solicitors, or land clerks nominated with the approval of the Estates Commissioners by the vendors, or in the absence of such nomination, may be negotiated by any persons approved by those Commissioners, at a fixed price or percentage, according to a scale to be settled by the Estates Commissioners with the assent of the Treasury, and such price or percentage shall be paid as part of the expenses of the Land Commission.
- (12) Where in the case of the sale of an estate to persons other than the Land Commission an agent has been employed by the vendor to negotiate the sale such sum as may be sanctioned by the Estates Commissioners may, with the consent of such vendor, be paid to that agent out of the purchase money as part of the costs connected with the sale.
- (13) The Judicial Commissioner and the Estates Commissioners may, subject to the approval of the Lord Lieutenant, and after consultation with the President of the Incorporated Law Society of Ireland, make rules for carrying into effect the foregoing provisions of this Act, and those rules shall among other things provide for the making of such investigations and the performance of such other duties, by the aforesaid officers and persons, as may be requisite and practicable, with a view to limiting the costs and expenses of persons applying to the Land Commission to purchase land in pursuance of those provisions, and the expression "prescribed" in those provisions means, unless the context otherwise requires, prescribed by those rules.
- (14) Periodical reports of the proceedings of the Estates Commissioners shall be made by them, in such form and at such times as the Treasury may prescribe, and those reports and all rules under the last preceding subsection shall be laid before Parliament as soon as may be after they are made.