



Irish Land Act 1903

1903 CHAPTER 37

PART I

LAND PURCHASE

Miscellaneous

54 Restrictions on subdivision and incumbrance of holding

- (1) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have after the commencement of this Act made any advance under the Land Purchase Acts, the following conditions shall be imposed, that is to say:—
- (a) The holding shall not be subdivided or let without the consent of the Land Commission, and if the proprietor subdivides or lets the holding, or any part thereof, without such consent, the Land Commission may cause the holding to be sold :
 - (b) Where the title of the holding is divested from the proprietor by bankruptcy, the Land Commission may cause the holding to be sold:
 - (c) Where on the decease of the proprietor the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided or vested in more than one person, the Land Commission may require the holding to be sold within twelve months after they become aware of the death of the proprietor to some one person, and, if default is made in so selling the holding, the Land Commission may cause the holding to be sold:

Provided that the Land Commission, instead of requiring or causing a holding to be sold, may, in the prescribed manner and on the prescribed request by any person interested, nominate some person interested in the holding to be the proprietor of the holding, and provide for the satisfaction of the claims of other persons interested, including any creditors of the deceased, by charging them upon the holding or otherwise.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) Not more than one person shall, without the consent of the Land Commission, be registered as the owner of the holding under Part IV of the Local Registration of Title (Ireland) Act, 1891.
- (3) The proprietor of the holding shall not, without the consent of the Land Commission, mortgage or charge the holding, or any part thereof, for any sum or sums exceeding in the aggregate ten times the amount of the purchase annuity payable in respect of the holding or part upon the making of the advance, and every instrument of mortgage or charge on a holding or part thereof by which the holding or part is charged with any larger sum shall be null and void as to the excess. Where part of a holding is mortgaged or charged, the Land Commission shall, for the purpose of this enactment, estimate the amount of the purchase annuity payable in respect of that part. The consent of the Land Commission under this enactment may, in the case of a charge created by a will, be given at any time whether before or after the death of the testator.
- (4) Every instrument of mortgage or charge on the holding executed after the commencement of this Act other than a charge under any Public Works Act shall be registered under the Local Registration of Title (Ireland) Act, 1891, as a burden affecting that holding, and if not so registered within three months from the date of execution by the mortgagor or chargeant, or, in the case of a charge created by will or codicil, within six months from the death of the testator, shall be null and void.
- (5) Subsections two and three of section thirty of the Act of 1881, as amended by any enactment, shall apply to proceedings under this section.