



# Irish Land Act 1903

## 1903 CHAPTER 37

### PART II

#### CONGESTED DISTRICTS

#### **72 Advances to Congested Districts Board**

- (1) The sums required by the Congested Districts Board for advances for the purchase of land shall be paid to them out of advances made by the National Debt Commissioners to the Land Commission under this Act, and all payments so made shall be deemed to be advances made to the Land Commission for the purposes of the Land Purchase Acts, and shall be treated accordingly.
- (2) Until the Congested Districts Board have disposed of the land so purchased by them to purchasers under the Land Purchase Acts, interest shall be paid by the Board to the Land Commission at the rate of two and three-quarters per cent. per annum on all sums so advanced, and for the time being outstanding, in such amounts and at such times as may be prescribed: Provided that if after the expiration of five years any land so purchased has not been disposed of, payments on account of sinking fund, at the rate of ten shillings per cent. per annum, shall be made by the Board to the Commission. All such interest and sinking fund payments shall be a charge on and paid out of the annual income of the Board.
- (3) Regulations made by the Treasury may provide that where the Congested Districts Board have expended money on the improvement of an estate, and in consequence have sold parcels of that estate at an enhanced price to tenants or others, the National Debt Commissioners may advance to the Land Commission, for repayment to the Congested Districts Board, such sums as represent the increase of price consequent on the improvements.

#### **73 As to Guarantee Fund in a congested districts county**

For the purposes of the Guarantee Fund a congested districts county shall cease to be separated from the county in which it is geographically situate, and the local grants, under the accounts headed "Model Schools and National Schools," shall form part of

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the contingent portion of that fund throughout the whole administrative county, and the interest on the Church Surplus Grant shall cease to form part of that fund in any electoral division of the county.

**74 Limit as to untenanted land vested in Board**

There shall not be at any time vested in the trustees of the Congested Districts Board untenanted lands exceeding in the aggregate, according to the estimate of the Land Commission as approved by the Treasury, the capital value of thirty times the interest on the Church Surplus Grant.

**75 Sales by Congested Districts Board to certain tenants**

- (1) Where the Congested Districts Board purchase land for the benefit of a congested districts county, they may sell under the Land Purchase Acts any parcels thereof, which are not required for tenants of holdings in that county, to any tenants or proprietors of holdings, not exceeding five pounds in rateable value, on an estate adjacent to or in the neighbourhood of that land, or to any sons of such tenants.
- (2) The provisions of this Act with respect to the application of the Land Purchase Acts to parcels of land shall apply in the case of the sale of any such parcel.

**76 Limit of advance in case of vendor repurchasing**

- (1) Where a parcel of an estate purchased by the Congested Districts Board is re-sold to the vendor or to the trustees of a settlement, an advance under the Land Purchase Acts may be made to him, not exceeding in any case one-third of the purchase money of the estate, or twenty thousand pounds, whichever is the less.
- (2) Subsection four and subsection six of section three of this Act shall apply in the case of any land in respect of which an advance is made in pursuance of this section.

**77 Estates in Court of Land Judge and amendment of law as to registration of land purchased by Board**

- (1) For the purpose of the purchase by the Congested Districts Board of an estate from the Land Judge, the provisions of this Act with respect to the powers and duties of the Land Judge in relation to an offer of the Land Commission, shall apply with the substitution of the Congested Districts Board for the Land Commission.
- (2) An order of the Land Judge declaring the Congested Districts Board to be purchasers of any land shall have the effect of a conveyance made by him, and shall also vest in the Board the right to collect and recover any arrears of rent specified in the order, and a certified copy of the order shall be transmitted to the registering authority under the Local Registration of Title (Ireland) Act, 1891, and the trustees of the Board shall thereupon be registered under that Act as the absolute owners of the land.

**78 Regulations as to turbarry on estates purchased by Board**

The Congested Districts Board shall have, in the case of an estate purchased by them, all the powers with respect to regulations authorising the cutting or making of turf on holdings, conferred on the Land Commission by the provisions in that behalf of Part

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One of this Act, and those provisions shall apply accordingly with the substitution of the Congested Districts Board for the Land Commission.

#### **79 Purchase of land by Board**

- (1) The Congested Districts Board may enter into agreements for the purchase of land from any person who may be certified by the Estates Commissioners to be a person who may be dealt with as the owner of the land in accordance with the provisions of Part One of this Act or otherwise, and those Commissioners shall, in such manner as may be prescribed by rules to be made by the Lord Lieutenant, prepare all such agreements and make orders consequential thereon vesting land in the trustees of the Congested Districts Board.
- (2) Where a vesting order is made in pursuance of this section the purchase money shall be distributed by the Land Commission in like manner as if it were the purchase money of land vested in the Commission, and all the provisions of Part One of this Act with respect to the distribution of the purchase money of land so vested shall apply accordingly.

#### **80 Provisions with respect to sanction of advances**

Where an application is made to the Land Commission for an advance under the Land Purchase Acts to a person purchasing any land from the Congested Districts Board, and that Board certify that the land is in their opinion sufficient security for the repayment of the advance, the Land Commission shall sanction the advance.

#### **81 Irrecoverable arrears of annuities to be paid out of interest on Church Surplus Grant**

If at any time the arrears of any purchase annuity payable in respect of an advance, sanctioned in pursuance of a certificate of the Congested Districts Board, are declared by the Land Commission to be irrecoverable, that Board shall pay, out of the interest on the Church Surplus Grant, to the Land Purchase Account, the amount of those arrears.

#### **82 Amendment of 1 Edw.7 c.34 as to request by tenants, and order respecting charges, &c**

- (1) The Congested Districts Board may exercise the powers conferred on them by section one of the Congested Districts Board (Ireland) Act, 1901, on a request made by not less than three-fourths in number and rateable value of the tenants of holdings situate on any townlands which would be affected by the exercise of those powers in the event of the request being acceded to.
- (2) The provisions of the said section one as to an order of the county court respecting charges, liabilities, and equities affecting a tenant's interest in a holding shall apply where, with the consent of a tenant, the area of his holding is altered, or he is put into possession of a new holding, by the Congested Districts Board.

#### **83 Resumption of holdings by Congested Districts Board**

The resumption of a holding during the continuance of a statutory term by the Congested Districts Board may be authorised under subsection six of section five

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of the Act of 1881 for the purposes of migration or the enlargement of holdings, in addition to the purposes specified in that subsection.

**84 Under Secretary to be member of Board**

The Under Secretary to the Lord Lieutenant shall be ex-officio a member of the Congested Districts Board in lieu of the member of the Land Commission nominated under subsection one of section thirty-four of the Act of 1891.

**85 Repeal of 62 & 63 Vict. c.50 s.18**

Section eighteen of the Agriculture and Technical Instruction (Ireland) Act, 1899, which makes provision with respect to congested districts counties, is hereby repealed.