



# Irish Land Act 1903

## 1903 CHAPTER 37

### PART III

#### LAND LAW

#### **86 As to Land Commissioners**

- (1) The Lord Chancellor may nominate any Judge of the High Court, other than the Lord Chief Justice and the Master of the Rolls, to act, for the time specified by him, as an additional Judicial Commissioner of the Land Commission for the purpose of hearing appeals under the Land Law Acts, and the Judge so nominated shall, during that time, have the same jurisdiction as the Judicial Commissioner appointed under the Act of 1881.
- (2) A Judge of the High Court appointed before the first day of January one thousand nine hundred and two shall not without his own consent be nominated under this section.
- (3) The Honourable Gerald FitzGerald, one of the Land Commissioners, shall, for the purposes of the Land Law Acts and Land Purchase Acts, but not further or otherwise, in addition to his existing powers, have all the jurisdiction and powers of a Judicial Commissioner, with the same rank and tenure of office as if he had, at the commencement of this Act, been appointed a Judicial Commissioner under the Act of 1881, and shall be entitled to a superannuation allowance calculated on a salary of two thousand five hundred pounds and otherwise in accordance with the provisions of the Superannuation Acts, 1834 to 1892.
- (4) The Right Honourable Frederick Stringer Wrench shall, if he is nominated as an Estates Commissioner, be paid, in addition to his present salary, a salary of five hundred pounds out of money provided by Parliament.
- (5) Murrough O'Brien, esquire, one of the Land Commissioners, and the two Estates Commissioners appointed by His Majesty, shall be entitled to superannuation allowances in accordance with the provisions of the Superannuation Acts, 1834 to 1892.

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## **87 Constitution of sub-commission**

A sub-commission shall, for the purpose of hearing any application Under the Land Law Acts, consist of one legal assistant commissioner and one lay assistant commissioner.

## **88 Appeals under Land Law Acts**

- (1) Any person aggrieved by any order made, under the Land Law Acts, by one Commissioner, not being a Judicial Commissioner, or by a sub-commission, may apply for "a re-hearing to the Land Commission, and that Commission may confirm, modify, or reverse such order.
- (2) All appeals under section forty-seven of the Act of 1881 or re-hearings under this section, and all re-hearings in pursuance of requisitions under section forty-four of the Act of 1881, shall be heard and determined by one Judicial Commissioner, with the assistance of one specially qualified lay assessor, who shall hear the evidence and, on the application of either of the parties, inspect the holding, and report thereon to the Judicial Commissioner in the prescribed manner.
- (3) On the hearing of any appeal, or on any re-hearing, notice of which is lodged after the commencement of this Act, evidence which could have been, but was not, produced in the court below, shall be admitted on special grounds only, and not without special leave of the Judicial Commissioner who hears the appeal or re-hearing.
- (4) In the case of any appeal or re-hearing, where an issue of fact is raised which was raised before the court below, and the Judicial Commissioner who hears the appeal or re-hearing is satisfied that the appellant did not produce before that court material evidence on that issue which was in his possession or within his procurement, he may, order the appellant to pay the whole, or such portion as he may think fit, of the costs of the appeal or re-hearing.
- (5) Rules under section fifty of the Act of 1881 may be made by the Judicial Commissioners with the approval of the Lord Chancellor with respect to the proceedings under this section in appeals and re-hearings, and those rules shall among other things provide for an ad valorem scale of fees to be paid on notices of appeal or re-hearing.

## **89 Orders for framing lists of assessors**

General orders may be made by the Judicial Commissioners, with the approval of the Lord Lieutenant and the Treasury, for the framing of lists of persons of skill and experience in agriculture to act as assessors under this Part of this Act, and for the ascertainment of their functions and remuneration, and every person for the time being named in any such list shall give his attendance according to general orders.

## **90 Variable head rents**

Where, by reason solely of the non-publication of the average prices of produce in the Dublin Gazette, it has become impossible, in the absence of other provision, to determine the amount by which any variable rent, calculable upon an average of prices, should be varied, sections two and three of the Tithe Rent-charge (Ireland) Act, 1900, shall apply as from the commencement of this Act in the case of such variable rents,

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and the words " tithre rent-charge," in the said sections, shall be deemed to include any variable rent as aforesaid.

**91 Subdivided holdings**

In the construction of subsection three of section five of the Act of 1896, the words " tenants in common " shall be deemed to include two or more persons between whom the holding is divided.

**92 Amendment of 44 & 45 Vict. c.49 s.50(3) as to time within which address may be presented**

The period within which an address may be presented in respect of rules under section fifty of the Act of 1881, or under that section as amended by any enactment, shall be forty days instead of one hundred days.