



Irish Land Act 1903

1903 CHAPTER 37

PART I

LAND PURCHASE

Purchase and Resale of Estates

- 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

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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.
- (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

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and all rules under the last preceding subsection shall be laid before Parliament as soon as may be after they are made.