



Irish Land Act 1903

1903 CHAPTER 37

PART I

LAND PURCHASE

Miscellaneous

60 Power to ratify exchange of land in certain cases

- (1) Where, in the course of proceedings for the sale under the Landed Estates Court (Ireland) Act, 1858, or the Land Purchase Acts, of an estate, it appears that the owner or any tenants of holdings on the estate are in occupation of portions of an adjoining estate, and that the owner or any tenants of holdings on the adjoining estate are in occupation of portions of the first-mentioned estate, whether such exchange of occupation is the result of an agreement or is occasioned by the alteration of the course of a stream, or otherwise, the Land Judge or the Judicial Commissioner, as the case may be, may, if he thinks it expedient, with the consent of the owners of the respective estates, or on notice in the prescribed manner to the owners and giving them an opportunity of being heard, make an order ratifying the exchange, and the order or a map or plan annexed thereto shall show the lands given and taken in exchange respectively.
- (2) The land taken upon any such exchange shall be deemed to be held by the same tenure, and shall, without any conveyance or other assurance in relation thereto, go and enure to and upon the same uses and trusts and be subject to the same rents, conditions, charges, and incumbrances, as the land given upon such exchange would have stood limited upon and been subject to if the Order had not been made ; and the land given upon such exchange shall be deemed to be held by the same tenure, and shall without any conveyance or other assurance in relation thereto, go and enure to and upon the same uses and trusts, and be subject to the same rents, conditions, charges, and incumbrances, as the land taken upon such exchange would have stood limited upon and been subject to if the Order had not been made.

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- (3) All rights and remedies for recovery of rents payable in respect of either portions of the lands so exchanged shall be exercisable in respect of, and may be pursued against, the lands given or taken upon such exchange, as the case may be, in the same manner as they might theretofore have been exercised or pursued against the lands originally liable thereto.