



Northern Ireland Land Act 1929

1929 CHAPTER 14

4 Claim by vendor to rights in respect of holdings vested in Commission.

- (1) Where the vendor of a holding vested in the Commission by Part II of the Act of 1925 claims that he was immediately before the date of such vesting entitled to a right over the holding, or that he had immediately before that date power to exercise any act of ownership or enjoyment in respect of the holding, being a right or power which was on the twenty-eighth day of May, nineteen hundred and twenty-five, of substantial value, and which, if enjoyed by any person other than the vendor, would have been a profit a prendre then, if the Judicial Commissioner so determines, the holding, after it has been so vested, shall be subject to that right or to that power in like manner, and the exercise of the right or power shall be subject to the like obligations or liabilities, as if the vendor were possessed of a profit a prendre over the holding, and the vendor or the persons entitled to the purchase money, or any part thereof, or the purchaser may, at any time before the vesting of the holding in the purchaser, apply to the Judicial Commissioner in the prescribed manner to determine the claim, and the Judicial Commissioner may determine the claim and the extent of any such right and power, and the costs of any application made under this subsection shall be at the discretion of the Judicial Commissioner:

Provided that—

- (i) nothing in this subsection shall affect the operation of section thirteen or section ninety-nine of the Irish Land Act, 1903, and the enactments amending those sections;
 - (ii) a power of cutting or making turf upon a portion of a holding which consists of bog shall, if exerciseable under this subsection, be exercised in such manner as not to prevent the future reclamation of the bog and so as to secure that sufficient turf and pasturage will be left for the use of the proprietor of the holding for a reasonable period.
- (2) The powers of the Commission and of the Ministry of Finance for Northern Ireland to make regulations with respect to turbarry on bogs on holdings may be exercised notwithstanding that the holding is subject to a right or power determined in favour of the vendor under subsection (1) of this section and, where any such regulations affect any such right or power, they shall include such terms as to payment or otherwise for

Status: This is the original version (as it was originally enacted).

the protection of the vendor as may appear to the Commission or to the Ministry of Finance, as the case may be, or as may appear to the Judicial Commissioner on appeal to be just.

- (3) Any person aggrieved by any decision of the Judicial Commissioner under this section may appeal to the Court of Appeal in Northern Ireland and the decision of that court shall be final.