



Northern Ireland Land Act 1929

1929 CHAPTER 14 19 and 20 Geo 5

7 Determination of tenancies in holdings excluded on account of building value.

- (1) Where a holding has been excluded from vesting in the Commission under Part II of the Act of 1925 by reason that it possesses a substantial value or utility (whether potential or actual) as building ground, the following provisions shall have effect:—
- (a) the tenant of the holding shall not be compelled by the landlord to quit the holding or any part thereof, except in consequence of the breach of some one or more of the conditions of his tenancy or upon the determination of the tenancy by a notice to quit given under the following provisions of this subsection;
 - (b) the landlord shall have a right to determine the tenancy in the whole or any part of the building (whether during the continuance of a statutory term in the tenancy or not) by giving to the tenant six months' notice to quit terminating either on the first day of March or on the first day of November in any year, and a notice so given shall not be withdrawn;
 - (c) if the landlord determines a tenancy as aforesaid, he shall at the expiration of the notice to quit pay to the tenant compensation of an amount calculated as follows—

If the notice is given before the expiration of ten years from the passing of this Act, an amount equal to thirty times, and if the notice is given after the expiration of the said ten years, an amount equal to thirty-five times, the rateable value of the holding, or the part thereof comprised in the notice, and any buildings thereon.

Provided that where, before the passing of this Act, any buildings have been erected upon the holding or the part thereof comprised in the notice, the tenant or the landlord may at any time before the expiration of the notice apply to the civil bill court to determine the amount of compensation to be paid in respect of such buildings, and the civil bill court shall determine the amount of compensation by reference to the increase in the value of the holding fairly attributable to the buildings; and in that case the amount of compensation shall be calculated according to the foregoing provisions of this paragraph in respect of the holding (or the part thereof comprised in the notice) apart from such buildings, with the addition thereto of the amount determined by the civil bill court as compensation in respect of such buildings.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Land Act 1929, Section 7. (See end of Document for details)

For the purposes of this section, the rateable value of a holding or part of a holding means [^{F1}the amount which the Commissioner of Valuation certifies would have been entered, at the time when the notice was given, in the valuation list in force under the ^{M1}Rates (Northern Ireland) Order 1972 [^{F2}or, as the case may require, the ^{M2}Rates (Northern Ireland) Order 1977] as the net annual value of the holding or part of a holding, if the holding or part of a holding had been a hereditament within the meaning of that Order and if it had been valued under the provisions [^{F3}repealed by the said Order of 1972]] and the expression “civil bill court” means the civil bill court of the county or borough where the holding (or the part thereof comprised in the notice) is situate; and where the holding or such part thereof is situate within the jurisdiction of more than one civil bill court, any civil bill court within the jurisdiction of which any part of the land or buildings affected is situate, may determine an application under this paragraph;

Any person aggrieved by any decision of the civil bill court under this section may appeal to the Court of Appeal in Northern Ireland, and the decision of that court shall be final;

- (d) where the landlord determines the tenancy in a part only of the holding, the tenant shall be entitled to a reduction of rent which shall, in the absence of agreement, be proportionate to the amount by which the rateable value of the part of the holding comprised in the notice to quit is less than the rateable value of the entire holding;

Provided that, if there are buildings on the holding, the amount of the reduction shall in the absence of agreement be determined by the civil bill court on the application of the landlord or tenant;

- (e) the right of a landlord to determine a tenancy under this section shall be without prejudice to any right of the tenant, under section eight of the ^{M3}Landlord and Tenant (Ireland) Act, 1870, to compensation in respect of crops.
- (2) Nothing in this section shall affect any agreement, arrangement, or compromise made or arrived at before the twentieth day of December, nineteen hundred and twenty-eight, during the hearing of, or in connection with, any objection made to a provisional list under section seventeen of the Act of 1925 by reason of the inclusion or non-inclusion of a holding in such list.
- (3) So much of section five and of subsection (3) of section eight of the ^{M4}Land Law (Ireland) Act, 1881, as relates to the power of the court to authorise the resumption of a holding on the application of the landlord and subsection (2) of section twenty-three of the Act of 1925, shall not apply in the case of a tenancy to which this section applies, and the Landlord and Tenant (Ireland) Act, 1870 (except section eight thereof) and any Acts amending the same, so far as they provide for compensation being paid by the landlord to the tenant, and the ^{M5}Notices to Quit (Ireland) Act, 1876, shall not apply where a landlord gives a notice to quit in the manner authorised by this section.

Textual Amendments

- F1** Words substituted by [S.I. 1973/2095, Sch. 1](#)
- F2** Words inserted by [S.I. 1977/2157 \(N.I. 28\), Sch. 15](#)
- F3** Words substituted by [S.I. 1977/2157 \(N.I. 28\), Sch. 15](#)

Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Land Act 1929, Section 7. (See end of Document for details)*

Marginal Citations

M1 1972 N.I. 16.

M2 1977 N.I. 28.

M3 1870 c. 46.

M4 1881 c. 49.

M5 1876 c. 63.

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Land Act 1929, Section 7.