



# Northern Ireland Land Act 1925

## 1925 CHAPTER 34

### PART I

#### FINANCE

#### **1 Alteration of rate of purchase annuity, &c**

- (1) In the case of advances made in pursuance of purchase agreements entered into or deemed to be entered into after the passing of this Act (in this Act referred to as new purchase agreements):—
- (a) Four pounds fifteen shillings shall be substituted for three pounds five shillings as the rate of the purchase annuity under section forty-five of the Irish Land Act, 1903 (in this Act referred to as the Act of 1903) :
  - (b) The rate of interest to be paid by the Land Purchase Commission, Northern Ireland (in this Act referred to as the Commission) to the National Debt Commissioners under section thirty-six of the Act of 1903, shall be four-and-a-half per cent. per annum instead of two-and-three-quarters per cent. per annum :
  - (c) Four-and-a-half per cent. per annum shall be substituted for three-and-a-half per cent. per annum as the rate of interest under subsection (2) of section eighteen and section twenty-four of the Act of 1903 :
  - (d) Five shillings per cent. per annum shall be substituted for ten shillings per cent. per annum in sections thirty-six and forty-seven of the Act of 1903, as the rate of sinking fund payments :

Provided that purchase agreements entered into after the passing of this Act on the resale by the Commission of land purchased or agreed to be purchased by them before the passing of this Act shall be treated for the purposes of this Part of this Act as purchase agreements entered into before the passing of this Act, and not as new purchase agreements.

- (2) The National Debt Commissioners shall in accounts kept by them of the Irish Land Purchase Fund distinguish between advances made in pursuance of purchase

agreements entered into before the passing of this Act and of new purchase agreements.

## **2 Power to create guaranteed Four-and-a-half per cent, bonds**

- (1) The power of the Treasury to create stock for the purpose of raising money required for the Irish Land Purchase Fund (including the Land Purchase Aid Fund) shall include power to create and issue bonds to be called guaranteed four-and-a-half per cent. bonds of such denominations, not in any case less than five pounds, as the Treasury may determine, and redeemable in manner hereinafter provided.
- (2) Interest on the bonds at the rate of four-and-a-half per cent. per annum shall be payable half yearly or quarterly on such days in each year as may be fixed by the warrant authorising the creation of the bonds, and the provisions of the Act of 1903 relating to stock (other than provisions as to the redemption of stock) shall, so far as they are applicable to bonds, and are not inconsistent with other provisions of this Act, apply to guaranteed four-and-a-half per cent. bonds created under this Act as they apply to the guaranteed two-and-three-quarters per cent. stock created under that Act with the substitution of interest at the rate of four-and-a-half per cent. for dividends at the rate of two-and-three-quarters per cent.
- (3) The bonds shall be redeemable by means of periodical drawings, and the Treasury may make arrangements for the redemption thereof at par, and may make regulations for the drawing of such bonds, and for that purpose there shall be set aside yearly in the Irish Land Purchase Fund and applied by the National Debt Commissioners for the redemption of bonds drawn for payment, a sum ascertained in accordance with the First Schedule to this Act: Provided that any such bonds may, after the expiration of thirty years from the passing of this Act, if not previously redeemed, be redeemed at par at such times and in such manner as the Treasury may direct.
- (4) The definition of Government stock in subsection (2) of section five of the Savings Banks Act, 1893, shall be read as if bonds issued under this section were included in the First Schedule to the said Savings Banks Act, 1893.

## **3 Advances to be made in bonds**

- (1) Notwithstanding anything in section twenty-seven of the Act of 1903 the advances made in pursuance of new purchase agreements shall be made by means of an issue of guaranteed four-and-a-half per cent. bonds equal in nominal amount to the sum to be advanced: Provided that where the total amount to be advanced at any one time in respect of holdings or untenanted land the property of the same vendor is not five pounds or a multiple of five pounds such part of the total amount so advanced as represents a fraction of five pounds shall be paid in money.
- (2) The last preceding subsection shall, notwithstanding anything in the Irish Land Act, 1909 (in this Act referred to as the Act of 1909), apply to advances made for the purpose of purchases in pursuance of final offers sent under section forty-three of the Act of 1909 after the passing of this Act.
- (3) Bonds issued in pursuance of this section as the equivalent of an advance shall, as between the vendor and the purchaser, be accepted by the vendor as the equivalent of the corresponding amount of purchase money, and any person having power to sell under the Land Purchase Acts, although he is not an absolute owner, may enter into

a new purchase agreement, notwithstanding that the purchase money is to be paid in bonds in pursuance of this section instead of in cash.

- (4) Where an advance is made by means of the issue of guaranteed four-and-a-half per cent. bonds, the sum to be paid for the redemption of the whole or part of the purchase annuity payable in respect of the advance shall be the difference between the sinking fund deemed to have been accumulated in respect of the advance and the amount of the advance (with interest thereon to date) or the requisite proportion of that difference as the case requires, and such sum shall be determined in accordance with rules made by the Treasury. Any sums so paid shall be paid by the Commission into the Land Purchase Fund and shall be applied in accordance with the First Schedule to this Act.

#### **4 Provisions as to bonus**

The percentage payable under section forty-eight of the Act of 1903 (in this Act referred to as the bonus), shall, in respect of new purchase agreements, be calculated in the manner and at the rates specified in the Second Schedule to this Act.

#### **5 Amendment of financial provisions**

The liability of the Commission to make the annual payments mentioned in section thirty-six of the Act of 1903 in respect of advances for purposes in Northern Ireland shall cease to the extent to which the annual sum payable to the Land Purchase Fund in pursuance of subsection (2) of section twenty-six of the Government of Ireland Act, 1920, represents purchase annuities payable in respect of such advances, and the residue of such payments including payments in respect of losses, if any, on re-sales, shall, if and so far as the receipts of the Commission are insufficient, be discharged as part of the expenses of the Commission.

#### **6 Recovery of money, &c, paid in mistake**

Any moneys, bonds, stocks, or securities paid or distributed by the Commission to the wrong person, through a mistake of law or fact, shall be recoverable by the Commission as if they were debts due to the Crown.

#### **7 Power to make rules**

The power of making rules conferred on the Treasury by the Land Purchase Acts shall extend to the making of rules for carrying the financial provisions of this Act into effect, and for adapting to the requirements of this Act such provisions of the Land Purchase Acts or any other enactment passed prior to this Act as relate to land purchase finance.

## **PART II**

### **AUTOMATIC SALE OF TENANTED LAND**

#### **8 Vesting of unpurchased tenanted land in the Commission**

- (1) Subject to the provisions of this Act, and notwithstanding anything in section nine of the Act of 1903, all tenanted land in Northern Ireland shall on the appointed day,

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by virtue of this Part of this Act vest in the Commission in the like manner and with the like consequences as if vesting orders had been made on the appointed day in respect thereof under section sixteen of the Act of 1903, in pursuance of new purchase agreements for the purchase of the same at the standard price entered into on the appointed day by the Commission with persons having power to sell under the Land Purchase Acts.

- (2) A purchase agreement deemed to have been entered into for the purposes of this section shall be deemed to have been entered into with the owner of the interest of the immediate landlord where that interest is sufficient to constitute the owner thereof a person having power to sell under the Land Purchase Acts, and, where that interest is not sufficient, to have been entered into with the owner of the interest of the next superior landlord whose interest is sufficient.
- (3) This section shall not apply to—
- (a) any land which has been purchased under the Land Purchase Acts or is on the appointed day the subject of an actual purchase agreement thereunder; or
  - (b) any holding which is not substantially agricultural or pastoral or partly agricultural and partly pastoral in character, or any holding the main object of the letting of which was for a residence; or
  - (c) any holding usually occupied by a person regularly employed on a demesne, home farm, park, garden, or pleasure ground belonging to the landlord; or
  - (d) any holding which possesses a substantial value or utility whether potential or actual as building ground or is a town park ; or
  - (e) any land which is vested in or held in trust for His Majesty ; or
  - (f) any land which is held, whether as landlords or tenants, by any Government Department, or by any local or public authority for the purposes of their power's and duties as such authority, or by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking.

## **9 Standard price**

The standard price of each holding which vests in the Commission by virtue of this Part of this Act shall be a capital sum of such amount that interest thereon at the rate of four and three-quarters per cent. per annum will be equal to the standard purchase annuity for the holding as ascertained in accordance with the Third Schedule to this Act.

## **10 Interest on bonus in respect of land so vested**

- (1) If the bonus payable in respect of a holding vested in the Commission by virtue of this Part of this Act is not paid within a period of one year from the gale day last preceding the appointed day, interest shall be payable thereon at the rate of four-and-a-half per cent. per annum from the expiration of that period up to the date of payment.
- (2) Interest on the bonus shall be raised and provided in like manner as the bonus and shall be treated as part of the bonus and paid therewith.

## **11 Payment of interest and rent**

- (1) The rent due on the gale day last preceding the appointed day, together with any arrears of rent then due (other than arrears which accrued due on a gale day prior to the passing of this Act) may, if not paid on or before the appointed day be recovered after

the appointed day by the person entitled thereto notwithstanding that the holding has vested in the Commission, but no arrears shall be paid out of the purchase money.

- (2) Interest on the purchase money at the rate of four-and-a-half per cent. per annum shall be payable as from the gale day last preceding the appointed day up to the date from which interest commences to accrue on the bonds representing the purchase money. Interest so payable shall be paid at such time or times as may be prescribed by rules under Part I. of this Act, and shall be treated as interest payable under subsection (2) of section eighteen of the Act of 1903. The bonds shall be placed to credit on such date as the Treasury may, by rules made under Part I. of this Act, prescribe; and that date shall be the date of the commencement of the purchase annuity, and the placing of the bonds to credit shall operate as an investment of the purchase money under section twenty-six of the Act of 1909 as from the date from which interest commences to accrue on the bonds.

## **12 Provisions as to resale of holdings vested in the Commission**

- (1) The Commission shall take steps to secure that every holding vested in them by virtue of this Part of this Act shall be vested in the tenant thereof as soon as possible after the appointed day, and for that purpose the tenant of each such holding shall be deemed on the appointed day to have entered into a new purchase agreement for the purchase of the holding from the Commission at the standard price, and the interest on the purchase money payable under section thirty-five of the Land Law (Ireland) Act, 1896, shall be at the rate of four and three-quarters per cent. per annum, and shall be payable as from the gale day last preceding the appointed day on such date or dates as may be prescribed by rules under Part I. of this Act. Provision shall be made out of such interest payments towards the sinking fund in respect of the advance to the tenant.
- (2) Notwithstanding anything in the last preceding subsection, the Commission may, if it appears to them that the improvement or re-arrangement of any such holdings is essential and practicable, enter into and give effect to agreements with the tenants for the sale of the holdings as improved and re-arranged at such price and on such terms as may be agreed.
- (3) The limitations on the amounts that may be advanced to tenants under the Land Purchase Acts shall not apply in the case of sales to tenants under this Part of this Act.

## **13 Provision for remission of half-year's rent**

For the purpose of providing for the remission to tenants of holdings vested in the Commission by virtue of this Part of this Act of one-half year's rent thereof the following provisions shall have effect:—

- (a) Subject to the provisions of paragraph (b) of this section there shall, in accordance with rules made by the Treasury under Part I. of this Act, be deducted from the interest payable by the tenant under section thirty-five of the Land Law (Ireland) Act, 1896, such an amount as is equal to the half-year's rent due on the gale day last preceding the appointed day; and there shall be similarly deducted from the interest payable to the person to whom interest is payable under subsection (2) of section eighteen of the Act of 1903 a corresponding amount:

Provided that the Commission shall pay to such last-mentioned person, or as he may direct, one-half of the amount so deducted from the interest payable to him:

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- (b) Where it is shown to the satisfaction of the Commission that the tenant has not before the appointed day paid the half-year's rent due on the gale day last preceding the appointed day, then paragraph (a) shall not apply, but the said half-year's rent shall not be payable, and all liability for payment thereof by the tenant shall be extinguished, and there shall be paid by the Commission to the person who, but for this paragraph, would have been entitled to receive such rent an amount equal to one-half of the rent so remitted :
- (c) Any payments made by the Commission under this section shall be treated as part of the expenses of the Commission.

#### 14 Sub-tenants

- (1) Where a holding of tenanted land, which is vested in the Commission by virtue of this Part of this Act, is sub-let, then for the purposes of the provisions of this Act, as to standard price and as to resales by the Commission, the following provisions shall have effect:—
  - (a) If the entire of the holding is in the occupation of a sub-tenant, the rent payable by the sub tenant shall be taken to be the rent payable in respect of the holding, and the sub-tenant shall be taken to be the tenant;
  - (b) If the entire of the holding is in the occupation of two or more sub-tenants, the portion in the occupation of each sub-tenant shall be treated as a separate holding held at the rent payable in respect of the sub-tenancy, and the sub-tenant shall be treated as the tenant thereof;
  - (c) If portion of the holding is in the occupation of the tenant and the remainder is in the occupation of one or more sub-tenants, the portion in the occupation of the tenant shall be treated as a separate holding held at such part of the rent payable in respect of the entire holding as may be apportioned thereto by the Commission, that part being treated as a first, second or third term judicial rent or a non-judicial rent according to the character of the rent payable in respect of the entire holding and the tenant shall be treated as tenant thereof, and so much of the remainder of the holding as is in the occupation of any sub-tenant shall be treated as a separate holding held at the rent payable in respect of the sub-tenancy, and the sub-tenant shall be treated as the tenant thereof;
  - (d) Where portion of a holding is sub-let and that portion is of such character that it ought not in the opinion of the Commission to be treated as a separate holding for the purposes aforesaid, the Commission may treat the holding as if the portion was not sub-let or in the occupation of the sub-tenant.
- (2) For the purposes of this section subsections (2) and (3) of section fifteen of the Act of 1903 shall apply with the substitution of the Commission or vendor, as the case requires, for the owner of the estate.

#### 15 Sporting rights

- (1) With respect to any land vested in the Commission by virtue of this Part of this Act or any untenanted land purchased under section forty-three or Part IV. of the Act of 1909, the owner of the land may give notice within the prescribed time and in the prescribed manner that he desires that such rights as are hereinafter mentioned 'which he has exclusive of the tenant should be reserved to him, and where such a notice is given there shall be reserved to the owner of the land, as if an agreement to that effect had been entered into under section thirteen of the Act of 1903—
  - (a) in the case of tenanted land, any right of fishing or taking fish; and

- (b) in the case of untenanted land, both those rights and all other sporting rights.
- (2) Subject as aforesaid the said section thirteen shall apply with respect to sporting rights affecting any such land as aforesaid.

## **16 Mineral rights**

- (1) Any rights to or in relation to mines or minerals on or under a holding which on a sale by agreement under the Land Purchase Acts would be reserved to the Commission pursuant to section thirteen of the Act of 1903, shall, subject to section ninety-nine of the said Act, and save as hereinafter provided, vest in the Commission on the vesting of the holding in them by virtue of this Part of this Act, and shall be reserved to the Commission on the resale of the holding without the necessity of any express reservation.
- (2) If, on an application made by the owner within the prescribed time and in the prescribed manner, the Commission is satisfied that any such rights possess a substantial value, whether actual or potential, and that although they are not being exercised at the time of the application there is a reasonable prospect of mines or minerals to which they relate being worked or developed within twenty years thereafter, they may make an order directing that all or any of the rights as therein specified shall to the extent therein mentioned be excepted on the vesting of the holding in the Commission and they shall be so excepted accordingly, and shall not be affected by such vesting. If the Commission refuse to make an order under this section an appeal shall lie to the Court of Appeal in Northern Ireland, whose decision shall be final.
- (3) Subsection (4) of section thirteen of the Act of 1903 shall apply as respects any rights excepted under this section in like manner as it applies as respects rights reserved under that section.

## **17 Ascertainment of land to be vested in Commission**

- (1) It shall be the duty of every person who is entitled to the rents and profits of any land or who receives such rents and profits on behalf of any other person, or who has in his possession or custody any deeds or other documents relating to such land, rents, or profits, if so required by the Commission, to furnish in writing to the Commission, such information, maps, particulars, and documents, with respect to the land in such form and verified in such manner and within such time as the Commission may by a general or special notice require.
- (2) The Commission shall from time to time publish provisional lists of the land which will become vested in the Commission on the appointed day by virtue of this Part of this Act, together with notice of the manner in which and the time within which objections may be made to the list by reason of the inclusion or non-inclusion therein of any land, and shall publish such other notices as may be required by rules made under this Act.
- (3) The Commission shall consider and adjudicate upon any objections duly made and an appeal shall lie from any decision of the Commission on such objection to the Court of Appeal in Northern Ireland, and the decision of the Court of Appeal shall be final.
- (4) The Commission shall publish final lists of land with respect to which no objection has been made, and from time to time as and when objections to other lands have been

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finally settled, final lists giving effect to the results of the settlements. A final list when so published, whether before or after the appointed day, shall be conclusive evidence that the lands comprised therein will become or have become vested by virtue of this Part of this Act on the appointed day.

- (5) The Commission shall have power to require any person paying rent to any other person to give such particulars with respect to the land as they may require.
- (6) If any person fails to furnish any information, map, particular, or document, which he is required to furnish under this section or knowingly furnishes any information, map, particular, or document, which is false in any material particular, he shall on summary conviction be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, and where any information, map, particular, or document, required by this section to be given by or on behalf of a person entitled to the rents and profits of any land is not given within the time required by the Commission no bonus or interest thereon shall be payable in respect of the land unless, or except to such extent as, the Commission consider that the failure ought to be excused.
- (7) Any inspector or other person acting on behalf of the Commission, may after notice sent by post to the person who appears to be occupier of any land, enter upon the land and make all such enquiries as may be necessary to enable the Commission to ascertain the extent and character thereof, and such other particulars in relation thereto, as they may require for the purposes of this section.
- (8) Where duties under this section are performed on behalf of the owner of any land by any land agent, solicitor, engineer, surveyor, valuer or land clerk nominated with the approval of the Commission he may be remunerated at a fixed amount or scale to be settled by the Commission with the assent of the Treasury, and such amount or percentage shall be paid out of the purchase money as part of the costs connected with the sale.
- (9) Any notice or list required to be published under this section shall be published in the "Belfast Gazette" and in such other manner as the Commission consider best adapted for securing publicity.

## **18 Sub-division of holdings containing building ground, Section**

- (1) Where an objection is made to any such provisional list as aforesaid by reason of the inclusion or non-inclusion in the list of a holding, then, if the Commission consider that the holding ought to be included in the list but for the fact that it possesses a substantial value or utility as building ground, and that that value or utility is attributable to a distinct and substantive part of the holding, the Commission may by order direct that the holding shall be sub-divided, and that that part of the holding and the remainder of the holding shall become separate holdings, and that the one shall not be and the other shall be included in the list, and may apportion between such separate holdings the rent payable in respect of the entire holding..
- (2) The portion of the rent so apportioned to each part of the holding shall be treated as a first, second, or third-term judicial rent or as a non-judicial rent, according to the character of the rent payable in respect of the entire holding, and each separate holding shall be held by the like tenure and upon the like terms and conditions as those by and upon which the entire holding was held, subject to such modifications and adjustments, if any, as may appear to the Commission to be necessary or proper.



- (3) The powers of the Commission under the foregoing provisions of this section may be exercised by the Court of Appeal on an appeal from a decision of the Commission on any such objection to a provisional list, and the Court of Appeal may, where their decision necessitates an apportionment or an alteration of an apportionment made by the Commission, refer the case back to the Commission for the making of the apportionment required.

## **19 Persons under disability**

Every person who, for the purposes of this Act, is deemed to have entered into a purchase agreement shall be deemed to have been capable of entering into such an agreement notwithstanding infancy or lunacy, or any other disability to which he may have been subject.

## **20 Definition of tenanted land**

For the purposes of this Part of this Act the expression " tenanted land" means land held for a statutory term or under any contract of tenancy other than a fee farm grant, or lease for lives or years renewable for ever or lease for a term of years of which sixty or more are unexpired:

Provided that land which has become tenanted land as above defined by reason of a contract of tenancy entered into on or after the sixteenth day of December, nineteen hundred and twenty-four, shall be deemed not to be tenanted land for the purposes of this Part of this Act.

## **21 Purchase and resale of demesne, &c**

The Commission may declare any holdings which vest in the Commission by virtue of this Part of this Act fit to be regarded as a separate estate agreed to be sold to persons other than the Commission for the purposes of section three of the Act of 1903, which relates to advances to owners of estates.

## **22 Adaptation of land purchase enactments and removal of difficulties**

- (1) For the purpose of carrying this Part of this Act into effect the Secretary of State may by order make such adaptations as appear to him to be necessary or proper of any enactment relative to land purchase in force in Northern Ireland at the time of the passing of this Act, including such adaptations of enactments applicable to sales of estates as may be necessary to make the same applicable to sales of holdings.
- (2) If any difficulty arises in determining the land which by virtue of this Part of this Act is vested in the Commission, or otherwise in carrying this Part of this Act into effect, the Secretary of State may, by Order, authorise the Commission to take all such steps and do all such things as may appear to him necessary or expedient for carrying this Part of this Act into full effect; and any such Order shall, subject to revocation or alteration by a subsequent Order, have effect as if enacted in this Act.

## PART III

### GENERAL

#### 23 Abolition of power to fix judicial rents

- (1) After the passing of this Act a judicial rent shall not be fixed under the Land Law (Ireland) Acts in respect of any holding, but nothing in this provision shall prevent the filing after the passing of this Act of agreements fixing fair rents entered into before the sixteenth day of December, nineteen hundred and twenty-four, or the operation of such agreements, when filed, or the making of rules in relation to such agreements, or the fixing of a fair rent after the passing of this Act in pursuance of an application made before the said date.
- (2) Where a holding has been excluded from vesting in the Commission under Part II. of this Act by reason that it possesses a substantial value or utility (whether potential or actual) as building ground, and the holding is subject to a first-term judicial rent, the court shall have the like power of authorising the resumption thereof as if the holding had been subject to a second-term judicial rent:

Provided that nothing in this provision affects any power of obtaining possession of any holding held at a non-judicial rent.

- (3) The Redemption of Rent (Ireland) Act, 1891, shall continue to have effect so as to enable proceedings to be taken for the redemption of the rent of any holding to which that Act applies, but no consent of the lessor or grantor shall be required in order to enable such rent to be redeemed, and accordingly section one of that Act shall have effect—
- (a) as if the words " if the lessor or grantor, as' the " case may be, signifies his consent within the " prescribed time and in the prescribed manner, " including consent (where such consent is by law required) to such sum being retained as " guarantee deposit as the Land Commission " may think necessary then" were omitted therefrom;
- (b) as if for the provisions of that section commencing " Such consent by the lessor or " grantor," to the end of the section, there were substituted the following provision :—

“If the Commission certify that an application for redemption of rent is one to which this section applies, the application shall have the same effect as the lodgment of a new purchase agreement.”

#### 24 Repeal of s. 16 of Act of 1909

Section sixteen of the Act of 1909, which prohibits the making of advances in the case of tenancies created after the fifteenth day of September, nineteen hundred and nine, shall cease to have effect.

#### 25 Acquisition of untenanted land

- (1) The powers of the Commission to purchase untenanted land by agreement or compulsorily under section forty-three or Part IV. of the Act of 1909, shall be extended so as to authorise the purchase by them, subject to the conditions imposed by that Act, of any untenanted land the sale and redistribution of which, is in their opinion,

desirable for the purpose of facilitating the resale of tenanted land vested in them by virtue of Part II. of this Act and the purchase by them of any untenanted bog required for the purpose of providing turbary for occupiers of land in the neighbourhood, whether such bog is or is not subject to rights, of turbary.

- (2) Where for the purpose of enlarging or improving congested holdings the Commission propose to acquire compulsorily any untenanted land (whether under Part IV. of the Act of 1909 or this section) and the price has, under section sixty-three of the Act of 1909, been fixed by the Judge of the Supreme Court of Northern Ireland appointed to act as Judicial Commissioner, the Commission may, if they consider that the price so fixed is so high as to make the acquisition of the land for the purpose aforesaid inexpedient, on serving such notice within such time as may be prescribed, withdraw from the purchase, subject to the payment to the other parties to the proceedings before that judge of such compensation for any loss or expenses which they may have suffered or incurred in or in consequence of the proceedings as the judge may determine.
- (3) The power of the Commission to purchase untenanted land compulsorily, whether under Part IV. of the Act of 1909 or this section, shall not extend to any untenanted land which is held by the occupier thereof in fee simple, or under a fee farm grant, or lease for lives or years renewable for ever, or lease for a term of years of which sixty or more are unexpired, and is used by him as an ordinary farm.

## **26 Regulations as to turbary**

The powers of the Commission and of the Ministry of Finance for Northern Ireland to make regulations with respect to turbary on bogs on holdings shall be extended so as to include power to define the area on which the proprietor of the holding is to cut turf and to make regulations with respect to turbary on bog on any holding, whether the proprietor thereof had or had not an exclusive right of turbary before the sale, and with respect to turbary on any bog the property of the vendor, or of the Commission on which rights or privileges of turbary were exercised or enjoyed prior to the sale, and to make regulations conferring and defining rights of access to the bog over any land for the purposes of turbary.

## **27 Provision for the maintenance of watercourses, drains, and similar works**

- (1) Where it appears to the Commission that any watercourse, drain, embankment, road, or other work has, prior to the sale of a holding, been cleansed or maintained in whole or in part by the landlord or at his expense for the benefit of the holding, either alone or in conjunction with other lands, and whether under the terms of the contract of tenancy or otherwise, the Judicial Commissioner may direct that there shall be deducted from the purchase money, and transferred and applied in manner hereinafter provided, a sum, whether in money, stock or bonds, which, in his opinion, will yield an income equivalent to the average annual expenditure incurred by the landlord in such cleansing or maintenance during the period of ten years preceding the date of the passing of this Act, as estimated by the Judicial Commissioner.
- (2) Every such sum shall be transferred to the Land Purchase Trustee for Northern Ireland, and may be invested or reinvested, and the income thereof shall be applied in or towards the cleansing or maintenance of the watercourse, drain, embankment, road, or other work in accordance with a scheme to be framed by the Commission after consultation with the Ministry of Finance for Northern Ireland, which scheme may, if thought fit, authorise the application of the principal sum or any part thereof, or the

investments for the time being representing the same, in or towards the reconstruction or improvement of such work.

- (3) Sums so transferred to the Land Purchase Trustee under this section, and any sums which, prior to the passing of this Act, have been set apart as a fund for similar purposes in Northern Ireland, and the investment, reinvestment, and application of the same, and the execution and alteration of any scheme relating thereto, shall be deemed to be excluded from the general subject-matter of the Acts relating to land purchase in Northern Ireland within the meaning of the Government of Ireland Act, 1920.

## **28 Appointment of person to represent tenant for purposes of sale**

Where a purchase agreement has been entered into or is deemed to have been entered into by a tenant of a holding, and owing to the death or absence of the tenant or otherwise, a difficulty arises in ascertaining in whom the tenancy of the holding is vested, the Commission may nominate any person to represent the tenant for the purposes of the sale, and may vest the holding in him accordingly, but the interest so vested shall be deemed to be a graft upon the interest of the tenant, and shall be subject to any rights and equities arising from its being such graft.

## **29 Power to appoint solicitors, &c, to act in place of a person in default**

- (1) Where any person—
- (a) fails to furnish any information, map, particular, or document which under this Act it is his duty to furnish, or, in the opinion of the Judicial Commissioner, fails to carry out such duty in a satisfactory manner ; or
  - (b) wilfully fails or refuses to make title or produce evidence of title; or
  - (c) fails to prosecute any proceedings with due diligence and effect;

it shall be lawful for the Judicial Commissioner to appoint a solicitor, land agent, engineer, surveyor, valuer or land clerk to act in the matter and to carry out the instructions of the Commission; and such solicitor, land agent, engineer, surveyor, valuer or land clerk shall have all such powers as he would have had had he been duly employed by such person as aforesaid.

- (2) Such costs and remuneration as are approved by the Judicial Commissioner of any such solicitor, land agent, engineer, or surveyor so employed shall be payable out of the purchase money or bonus or interest thereon payable to such person as aforesaid, or may be paid by the Commission and in that case shall be recoverable by the Commission from that person, and, without prejudice to other methods of recovery, the Commission may deduct the amount thereof from any purchase money, bonus, or interest so payable.

## **30 Amendment of provisions as to sub-division, letting or mortgaging of purchased holdings**

- (1) Any attempted sub-division or letting of a holding, in contravention of section thirty of the Land Law (Ireland) Act, 1881, or section fifty-four of the Act of 1903 shall be void.
- (2) Subsection (3) of section fifty-four of the Act of 1903 (which imposes restrictions on mortgaging) shall cease to have effect as respects any holding.
- (3) Where the Commission or the Ministry of Finance for Northern Ireland, in the exercise of their respective powers, authorise the sub-division of a holding which is subject to

a purchase annuity and apportion the purchase annuity, then, any part of the holding upon which portion of the purchase annuity is charged shall, if the Commission or Ministry with the consent of the registered proprietor of the holding so direct, be deemed to be consolidated with any other holding of which he is the registered proprietor and which is subject to a purchase annuity, and that annuity and the said portion shall be payable in such manner and subject to such conditions as may be prescribed.

### **31 Provisions as to the ascertainment of title and distribution of purchase money**

- (1) Where the Commission for the purpose of the ascertainment of title to or distribution of purchase money require any searches to be made in the registry of deeds in Dublin, or in the registry of judgments in Dublin, the searches shall be made without charge to the persons entitled to the purchase money, and the costs thereof (if any) shall be borne as an expense of the Commission.
- (2) The Commission shall not for the purpose of an investigation of title to or distribution of purchase money require proof of payment of any estate duty, legacy duty, succession duty, settlement estate duty, probate duty, account duty, or temporary estate duty, if the event which gave rise to an immediate claim to such duty happened more than twelve years before the date of the investigation, without prejudice, however, to the liability of any accountable person to the payment of duty.

### **32 Provisions as to registration of land purchased under Acts**

- (1) Where the registration of the ownership of land, the registration of which is compulsory under subsection (1) of section twenty-two of the Local Registration of Title (Ireland) Act, 1891 (hereinafter called " the Act of 1891") has not been effected at the time of the passing of this Act, the Commission, or the Ministry of Finance for Northern Ireland, may furnish to the Registrar of Titles in Northern Ireland the prescribed particulars respecting that land, and the name of the person appearing to them to be in possession thereof, and the registering authority may thereupon register that person as the owner of that land with a possessory or qualified title : Provided that nothing in this subsection shall affect the operation of subsection (2) of section thirty-two of the Land Law (Ireland) Act, 1896, or the registration of the ownership of land in any case to which that subsection applies.
- (2) The first registration of any person as full or limited owner with a possessory title shall have the same effect as the first registration of a person as full or limited owner under the Act of 1891, save that registration with a possessory title shall not affect or prejudice any estate, right, or interest adverse to, or in derogation of, or otherwise affecting the title of the first registered owner which is subsisting or capable of arising at the time of such first registration.
- (3) The first registration of any person as full or limited owner with a qualified title shall have the same effect as the first registration of a person as full or limited owner under the Act of 1891, save that registration with a qualified title shall not affect or prejudice any estate, right, or interest appearing by the register to be excepted from the effect of registration.
- (4) A person registered as owner with a possessory or qualified title as aforesaid may at any time in the prescribed manner apply for registration with an absolute title, and all such steps may be taken in regard to such application as may be taken in proceedings for the discharge of equities under the Act of 1891. If it is found on the examination

of any such application that the applicant can be registered with a qualified title only registration may be so effected. The registration of an absolute title shall have the same effect as the registration of a person as full or limited owner under the Act of 1891.

- (5) Rules under the Act of 1891 may be made for carrying into effect the object of this section, and the expression " prescribed " in this section means prescribed by such rules. Office fees shall not be payable for the first registration of any title under this section.
- (6) In subsection (2) of section thirty-four of the Act of 1891 as originally enacted and as extended by subsection (3) of section thirty-two of the Land Law (Ireland) Act, 1896, the words " loss or damage " shall be substituted for the word " injury. "
- (7) In section forty-nine of the Act of 1903 the words " or any purchaser from them " are hereby repealed.

### **33 Power to make rules**

The power of the Commission, or of any commissioner or commissioners of the Commission, to make rules under any enactment which, as originally enacted, authorised rules to be made by the Irish Land Commission or by any commissioner or commissioners of that Commission for any purposes relating or incidental to land purchase, shall be extended so as to include a power to make rules for carrying this Act into effect and, as so extended, shall be exercised by the Judicial Commissioner, after consultation with, and subject to the approval of the Secretary of State, which consultation and approval shall be in lieu of any consultation and approval required under any such enactment.

### **34 Interpretation**

In this Act unless the context otherwise requires:—

References to any enactment shall be construed as references to that enactment as it is in force in Northern Ireland;

References to the Judicial Commissioner shall be construed as references to the commissioner of the Commission by whom the powers and duties of the Judicial Commissioner under the Land Purchase Acts are, as respects Northern Ireland, to be exercised and performed pursuant to the Land Purchase (Northern Ireland) Order, 1923, or any Order amending the same.

### **35 Appointed day**

For the purposes of this Act the appointed day shall be such day or days, not being more than four years after the passing of this Act; as may be fixed by the Commission and different days may be fixed for different provisions and different purposes of this Act, and for different areas, and for different holdings or groups of holdings:

Provided that the Secretary of State may, on proof to his satisfaction by the Commission that as respects particular areas it is necessary to fix as an appointed day or days, some day or days more than four years after the passing of this Act, authorise such later day or days to be fixed as respects those areas.

### **36 Short title and construction**

- (1) This Act may be cited as the Northern Ireland Land Act, 1925, and shall be construed as one with the Land Purchase Acts, and may be cited with those Acts.
- (2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.