



Northern Ireland Land Act 1925

1925 CHAPTER 34

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, 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

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- (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:

- (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;

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- (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 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.

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- (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.