



# Northern Ireland Land Act 1925

1925 CHAPTER 34 15 and 16 Geo 5

## 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) . . . . . F1

#### Textual Amendments

**F1** Ss. 3(1)–(3), 4, 8–11, 12(2)(3), 13, 14, 17–19, 21, 23(3), 24, 25, 28 repealed by Statute Law Revision Act 1950 (c. 6), **Sch. 1**

#### Modifications etc. (not altering text)

**C1** S. 23(2) excluded by Northern Ireland Land Act 1929 (c. 14, SIF 73A), s. 7(3)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Land Act 1925, Part III. (See end of Document for details)*

## 24, 25. .... F2

### Textual Amendments

**F2** Ss. 3(1)–(3), 4, 8–11, 12(2)(3), 13, 14, 17–19, 21, 23(3), 24, 25, 28 repealed by Statute Law Revision Act 1950 (c. 6), **Sch. 1**

## 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.

### Modifications etc. (not altering text)

**C2** Functions of Ministry of Finance transferred to Department of Agriculture N.I.:S.R. & O. (N.I.) 1968/88  
**S. 26:** Functions of the Department of Agriculture transferred to the Department of the Environment (1.7.1998) by **S.R. 1998/177, arts. 3, 5**, Sch. (with art. 4)

## 27 Provision for the maintenance of water-courses, 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,

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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 <sup>M1</sup>Government of Ireland Act 1920.

**Modifications etc. (not altering text)**

- C3** Functions of Judicial Commissioner now exercisable by judge of the High Court N.I.: [Northern Ireland Land Purchase \(Winding Up\) Act 1935 \(c. 21, SIF 73A\)](#), **s. 2(1)** and [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), **Sch. 5 Pt. I**
- C4** Functions of Land Purchase Trustee for Northern Ireland transferred to Department of Agriculture N.I.: [Northern Ireland Land Purchase \(Winding Up\) Act 1935 \(c. 21, SIF 73A\)](#), **ss. 4(b), 7(5)** and [S.I. 1982/338 \(N.I. 6\)](#), art. 5, **Sch. 1 Pt. I**
- C5** Functions of Ministry of Finance transferred to Department of Agriculture N.I.: S.R. & O. (N.I.) 1968/88

**Marginal Citations**

- M1** [1920 c. 67 \(29:3\)](#).

**28** ..... <sup>F3</sup>

**Textual Amendments**

- F3** [Ss. 3\(1\)–\(3\), 4, 8–11, 12\(2\)\(3\), 13, 14, 17–19, 21, 23\(3\), 24, 25, 28](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), **Sch. 1**

**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.

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#### Modifications etc. (not altering text)

- C6 Functions of Judicial Commissioner now exercisable by Judge of the High Court N.I.: [Northern Ireland Land Purchase \(Winding Up\) Act 1935 \(c. 21, SIF 73A\)](#), [s. 2\(1\)](#) and [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 5 Pt. I](#)

### 30 Amendment of provisions as to subdivision, letting or mortgaging of purchased holdings.

- (1) Any attempted sub-division or letting of a holding, in contravention of section thirty of the <sup>M2</sup>Land Law (Ireland) Act 1881, or section fifty-four of the Act of 1903 shall be void.
- (2) ..... F4
- (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.

#### Textual Amendments

- F4 [S. 30\(2\)](#) repealed by [Statute Law Revision Act 1953 \(c. 5\)](#), [Sch. 1](#)

#### Modifications etc. (not altering text)

- C7 [S. 30\(1\)](#) excluded by [Administrative and Financial Provisions Act \(N.I.\) 1956 \(c. 17\)](#), [s. 1\(f\)](#) Functions of Ministry of Finance transferred to Department of Agriculture N.I.: [S.I. 1982/338 \(N.I. 6\)](#), [art. 5](#), [Sch. 1 Pt. I](#)

#### Marginal Citations

- M2 [1881 c. 49](#).

### 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.

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**32** ..... F5

**Textual Amendments**

**F5** S. 32 repealed by Statute Law Revision Act 1953 (c. 5), **Sch. 1** and Land Registration Act (N.I.) 1970 (c. 18), **Sch. 14**

**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.

**Modifications etc. (not altering text)**

**C8** Functions of Judicial Commissioner now exercisable by Department of Agriculture N.I. and Treasury: Northern Ireland Land Purchase (Winding Up) Act 1935 (c. 21, SIF 73A), **s. 5** and S.I. 1982/338 (N.I. 6), art. 5, **Sch. 1 Pt. 1**

**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** ..... F6

**Textual Amendments**

**F6** S. 35 repealed by Statute Law Revision Act 1950 (c. 6), **Sch. 1**

**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) ..... F7

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#### **Textual Amendments**

**F7** S. 36(2) repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), **Sch. 6 Pt. I**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Land Act 1925, Part III.