

IRISH LAND COMMISSION

(RULES).

RULES, made in pursuance of Section 88, Sub-Section 5, of the Irish Land Act, 1903, dated 23rd April, 1904.

PRESENTED IN PURSUANCE OF ACT

44 & 45 Vic., cap. 49, sec. 50 (3), as amended by 8 Edward 7, cap. 37, sec. 92.

*Ordered by The House of Commons to be Printed,
3rd May, 1904.*

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East Harding-street, Fleet-street, E.C., and 32 Abingdon-street, Westminster, S.W.; or
OLIVER & BOYD, Edinburgh.

1904.

I hereby approve of the following Rules:—

(Signed)

ASHBOURNE, C.

LAND LAW ACTS.

IRISH LAND COMMISSION.

WHEREAS by the Irish Land Act, 1903, Section 88 (5), it is enacted that “Rules under Section fifty of the Act of 1881 may be made by the Judicial Commissioners, with the approval of the Lord Chancellor, with respect to the proceedings under this Section in appeals and re-hearings, and those Rules shall, among other things, provide for an *ad valorem* scale of fees to be paid on notices of appeal or re-hearing.”

It is ordered by the Judicial Commissioners—with the approval of the Lord Chancellor—that until further order the following Rules shall take effect, and be in force in the Land Commission in relation to the proceedings under the said 88th Section in Appeals and re-hearings:—

1. In these Rules the expression “Appeal” shall include a re-hearing before the Land Commission—unless the context otherwise requires.

2. Rules 79, 81, 85, 88, and 89 of the General Rules of 2nd January, 1897, shall cease to be in force as regards appeals lodged after this date, but all other Rules under the Land Law Acts relating to appeals shall remain and be in force save so far as the same are inconsistent with the present Rules.

3. Any person aggrieved by any order of one Commissioner, not being a Judicial Commissioner, or by any order of a Sub-Commission, and who desires to have the case reheard, shall, within two months after the date of such order, serve on the opposite party a notice of appeal which may be in Form No. 71A, and thereupon shall, within ten days from the date of such service, transmit to the Land Commission the original notice of appeal duly stamped, which shall be endorsed with the time and mode of service on the opposite party, and such endorsement shall be signed by the person who effected such service.

4. Any person aggrieved by the decision of any Civil Bill Court as to any matter with respect to which an appeal lies to the Land Commission, and who desires to appeal therefrom, shall, within two months from the last day of the Land Sessions at which such decision shall have been made, serve notice of appeal on the opposite party, which may be in Form No. 72A, and thereupon shall, within ten days from the date of such

service, lodge with the Clerk of the Peace the original notice of appeal duly stamped, together with a copy thereof, and both the original and the copy so lodged shall be endorsed with the time and mode of service on the opposite party, and such endorsement shall be signed by the person who effected such service.

5. Every notice of appeal shall state definitely whether the appeal is intended to be prosecuted upon the ground of a question of law or a question of value, as indicated in the forms of Notice, 71A and 72A in the Schedule hereto.

6. If either party desires to offer on the hearing of any appeal, or on any re-hearing, notice of which has been lodged after the commencement of the Irish Land Act, 1903, any evidence which could have been, but was not produced in the Court below, he shall—not later than one week before the date fixed for the hearing of the appeal—serve notice to that effect upon the opposite party, and upon the Land Commission. The notice shall state clearly the nature of the evidence proposed to be offered and the special grounds upon which it is sought to have it admitted.

7. If either party desires to offer such evidence, but has failed to serve the notice indicated in the preceding Rules or if in any event an application for adjournment is made, the Judicial Commissioner may adjourn the hearing of the appeal, and make such order as to the payment of costs as, in the opinion of the Judicial Commissioner, the justice of the case may require.

8. Every original Notice of Appeal shall, according to the amount of the annual rent issuing out of the holding prior to the date of the order appealed from, bear an impressed stamp or stamps of value as follows:—

Where the rent does not exceed		£	s.	d.
£5,	a stamp or stamps of	0	2	6
Where the rent exceeds £5, but does not exceed £10,	" " "	0	5	0
Where the rent exceeds £10, but does not exceed £20,	" " "	0	10	0
Where the rent exceeds £20, but does not exceed £50,	" " "	1	0	0
Where the rent exceeds £50, but does not exceed £100,	" " "	1	10	0
Where the rent exceeds £100,	" " "	2	0	0

Dated this 23rd day of April, 1904.



(Signed),

R. E. MEREDITH,
(GERALD FITZGERALD).

Form No. 71A.

County

Record No.

LAND LAW ACTS.

PARTICULARS—(The following particulars must be accurately filled up).

Name of Landlord, and Residence of Landlord, if known,	
Name and Residence of Landlord's Agent, if any, ...	
Name and Residence of Tenant,	
Post Office from which Tenant receives his Letters, ...	

HOLDING—

County.			District.†			Electoral Division.		
Name by which Lands are known on Ordnance Survey Map.								
Area in Statute Measure.—			Rent of Holding.			Tenement Valuation.		
A.	R.	P.	£	s.	d.	£	s.	d.

†Give name of District, and specify whether Rural or Urban. If Holding is Partly in a Rural and Partly in an Urban District, the respective Districts should be specified.

*This information can be obtained from the demand note for poor rate or from the Clerk of the District Council.

NOTICE REQUIRING CASE TO BE REHEARD
BEFORE THE LAND COMMISSION.I am aggrieved by the order of¹

made at

on the

day of

190 , whereby it has²

and I require my case to be reheard before the Land Commission.

This Notice of rehearing is intended to be prosecuted on the ground³

1. State by whom order made, viz.: Sub-Commission or by single Commissioner.

2. State substance of order.

3. Here state definitely the ground or grounds of appeal intended to be relied on as a matter of law.

4. If the appeal is not taken on a question of value this paragraph should be struck out.

5. Increased or reduced as the case may be.

Dated this

day of

190

6. To be signed by the party requiring his case to be reheard, or by his Solicitor.

Signed, ⁶

(The opposite party, whether landlord or tenant.)

To.....

And the Secretary to the Land Commission.

N.B.—Where the appeal is from an order fixing a rent for a Second Statutory Term the Notice shall be headed "Second Statutory Term." The original of this form requires to be stamped with impressed stamp or stamps of value as follows—according to the amount of the annual rent issuing out of the holding prior to the date of the order appealed from:—

	a stamp or stamps of	£	s.	d.
Where the rent does not exceed £5		0	2	6
Where the rent exceeds £5, but does not exceed £10	" "	0	5	0
Where the rent exceeds £10, but does not exceed £20	" "	0	10	0
Where the rent exceeds £20, but does not exceed £50	" "	1	0	0
Where the rent exceeds £50, but does not exceed £100	" "	1	10	0
Where the rent exceeds £100	" "	2	0	0

Form No. 72A.

County

Record No.

LAND LAW ACTS.

PARTICULARS—(The following particulars must be accurately filled up).

Name of Landlord, and Residence of Landlord, if known, { _____
 Name and Residence of Landlord's Agent, if any, ... { _____
 Name and Residence of Tenant, { _____
 Post Office from which Tenant receives his Letters, ... { _____

HOLDING—

County.			District.†			Electoral Division.		
Name by which Lands are known on Ordnance Survey Map.								
Area in Statute Measure.			Rent of Holding.			Tenement Valuation.		
A.	R.	P.	£	s.	d.	£	s.	d.

†Given name of District, and specify whether Rural or Urban. If Holding is Partly in a Rural and Partly in an Urban District, the respective Districts should be specified.

*This information can be obtained from the demand note for poor rate or from the Clerk of the District Council.

NOTICE OF APPEAL FROM CIVIL BILL COURT.

I am aggrieved by the Order of the Civil Bill Court of the
 County of _____ made at _____ on the
 day of _____ 190 , whereby it has ¹
 and I Appeal therefrom to the Land Commission.

This Appeal is intended to be prosecuted on the ground ²

1. State substance of order.

2. Here state definitely the ground or grounds of appeal intended to be relied on as a matter of law.

3. If the appeal is not taken on a question of value this paragraph should be struck out.

4. Increased or reduced as the case may be.

Dated this

day of

190

Signed,⁵

5. To be signed by the appellant or by his Solicitor.

To*

* The opposite party, whether landlord or tenant.

And the Secretary of the Land Commission.

N.B.—Where the appeal is from an order fixing a rent for a Second Statutory Term the Notice shall be headed "Second Statutory Term." The original of this form requires to be stamped with impressed stamp or stamps of value as follows—according to the amount of the annual rent issuing out of the holding prior to the date of the order appealed from:—

	a stamp or stamps of	£ s. d.
Where the rent does not exceed £5		0 2 6
Where the rent exceeds £5, but does not exceed £10	" "	0 5 0
Where the rent exceeds £10, but does not exceed £20	" "	0 10 0
Where the rent exceeds £20, but does not exceed £50	" "	1 0 0
Where the rent exceeds £50, but does not exceed £100	" "	1 10 0
Where the rent exceeds £100	" "	2 0 0