

LORDS AMENDMENTS
TO THE
IRISH LAND BILL.

[NOTE.—*The page and line refer to Bill (177.) as first printed by the Lords.*]

Page 3.

After clause 3 insert clause A.—

A.—(1) Regulations may be made by the Lord Lieutenant under subsection (8) of section twenty-three of the Act of 1903 for determining the priority in which advances, whether by means of money or of stock, or partly by means of money and partly by means of stock, may be sanctioned, and for allocating as between different classes of sales the total amounts from time to time available for advances: Provided, however, that subject to such regulations relating to the priority of different classes, the priority of cases shall, as far as is reasonably practicable, be regulated by the date at which the proceedings in each case were commenced in the Land Commission, the Land Judge's Court, and in the offices of the Congested Districts Board respectively, and in case of dispute as to such date it shall be referred to the Judicial Commissioner, whose decision shall be final") Regulations
as to
priority.

(2) Every regulation made under that subsection shall be laid before both Houses of Parliament as soon as may be after it is made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next Session of Parliament; and if an Address is presented to His Majesty by either House of Parliament within the next subsequent one hundred days on which the said House shall have sat, praying that any such regulation may be annulled, His Majesty may thereupon by Order in Council annul the same, and the regulation so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same:

[Bill 348.]

A

J

Page 3.

Provided that where any regulation or any part thereof is so annulled, the Lord Lieutenant may, under, said subsection (8) of section twenty-three of the Act of 1903, make another regulation in place of the regulation or part so annulled, subject nevertheless to be laid before Parliament, and to be annulled by His Majesty in Council in manner above-mentioned, and so on as often as the case requires.

(3) This section shall apply only to cases arising under sections one to seven inclusive of the Act of 1903.

Page 6.

Line 26, after ("holding") insert ("or in consequence of any
" direction of the Land Commission or of the Estates
" Commissioners ")

Page 7.

Line 13, after ("Commission") insert ("or the Land Judge")

Line 17, after ("by") insert ("or with"), and after ("Com-
" mission ") insert ("or the Land Judge ")

Page 8.

Leave out clause 14.

Line 37, leave out from ("(b)") to ("the") in line 40.

Page 9.

Line 2, after ("house") insert ("or resides")

Leave out clause 16.

Leave out lines 20, 21, and 22.

Line 27, after ("apply") insert ("and had been evicted for
" non-payment of rent and had made application for
" re-instatement before the first day of May nineteen
" hundred and seven")

Line 33, leave out ("considering") and insert ("adequate
" provision has been made to satisfy"), and after ("of")
insert ("the")

Line 35, after ("made") insert ("Provided that no advance
" shall be made to the son of a tenant or proprietor of a
" holding of an annual rateable value of more than thirty

Page 9.

“ pounds, nor shall any advance be made to more than one
“ son of the same tenant, nor to any son of a tenant, if he is
“ such tenant’s only son ”)

Page 11.

Line 1, after (“ grazing ”) insert (“ or other ”)

Line 18, after (“ purposes ”) insert---

(3) The Land Commission, on the application in the prescribed manner of any landlord who is desirous of selling an estate under the Land Purchase Acts, if they are satisfied that it is desirable that the landlord should be authorised to resume portion of a holding upon the estate for the purpose of planting trees or preserving woods or plantations, or growing timber, and that the value of the holding will not be materially diminished by reason of the resumption, may authorise the landlord to resume that portion upon such terms as may be approved of by the Land Commission, including full compensation to the tenant, and may make an order accordingly apportioning the rent and discharging that portion of the holding from the tenancy.

Leave out clause 20.

Page 12.

Line 3, Leave out from (“ pounds ”) to the end of line 4.

Line 9, after (“ may ”) insert (“ with the consent of the
“ owner ”)

Leave out line 17 and insert (“ more than one quarter of the
“ area which consists of ”)

Line 24, leave out (“ and ”) and insert (“ or ”)

Page 14.

Leave out clause 27.

Page 16.

Leave out lines 17 to 27.

[Bill 348.]

A 2

Page 17.

After clause 34 insert clause B.—

3 Edw. 7.
c. 37³ sub-
section (3)
of s. 67 not
to apply.

B. Subsection (3) of section sixty-seven of the Act of 1903 shall not apply to any land or holding subject to a purchase annuity unless the Land Commission deem it expedient, having regard to the situation, size, and character of such land or holding, to apply the provisions of the said subsection thereto.

Line 17, leave out from ("annuity") to the end of the clause.

Page 18.

Line 27, leave out ("the")

Line 28, after ("stock") insert ("charged upon the under-
"taking"), and after ("railway") insert ("company")

Page 19.

Line 24, leave out ("trustees") and insert ("them")

Leave out clauses 41 to 47 and insert Clauses C., D., and E.—

Provision as
to immediate
landlords not
having
power to
sell.

C. Where the immediate landlord of any holding or holdings has not an interest sufficient to constitute him a person having power to sell to tenants under the Land Purchase Acts, the next superior landlord having such an interest shall be deemed to be a person having power to sell to occupying tenants under the said Acts notwithstanding that the said holding or holdings constitute the whole estate of such superior landlord, and section fifteen of the Act of 1903 shall apply accordingly.

Presumption
of release of
unpaid rent
in certain
cases.

D.—(1) Where any land sold under the Land Purchase Acts is subject to any rent reserved under a lease, and no payment on foot of such rent has been made for a period of forty years prior to such sale, such rent shall, for the purposes of such sale and the distribution of the purchase money, be deemed to have been released.

(2) Where portions of any such rent have become vested in different owners, this section shall apply to any portion of such rent as if it was a separate rent.

Incorporation of the
Congested
Districts
Board.

E.—(1) From and after the appointed day the Congested Districts Board for Ireland shall be a body corporate, bearing the name of the "Congested Districts Board for Ireland" with a capacity to acquire and hold land, and to sue and be sued by its corporate name.

Page 19.

(2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of a permanent member of the Board, or of the secretary.

(3) In the execution or performance of any power or duty conferred upon or transferred to the Board, by or in pursuance of any enactment, the Board shall adopt and use the style and seal of the Congested Districts Board for Ireland.

(4) The powers and duties of the trustees of the Congested Districts Board for Ireland under any enactment, shall, on the appointed day, be transferred to the Board.

(5) Subsection (3) of section thirty-four of the Act of 1891 and subsections (2) and (3) of section two of the Congested Districts Board (Ireland) Act, 1893, shall cease to have effect as from the appointed day. 56 & 57 Vict. c. 35.

Page 24.

Leave out lines 16 to 35 and insert—

—(1) The council of any administrative county comprising a congested districts county may, at the request of the Congested Districts Board, appoint a committee for any electoral division or for any other area in the congested districts county, consisting partly of members of their own body, and partly of other persons for the purpose of obtaining such information and furnishing such suggestions as the Board may require, and of generally assisting the Board in the relief of congestion in the congested districts county.

Line 36, after (“Ireland”) insert (“in consultation with the
“ Congested Districts Board ”)

Page 25.

Line 6, after the first (“of”) insert (“industries”).

Line 7, after (“poultry”) insert (“(d) the aiding and
“ developing of sea fisheries ”)

Leave out clause 50.

Page 26.

Line 28, leave out from ("Order") to ("make") in line 35, and insert ("made with the advice of the Privy Council. " may ")

Line 38, leave out ("in Council") and insert ("made as " aforesaid ")

Page 27.

Line 9, leave out ("in Council")

Line 10, after ("make") insert ("by and with the advice " aforesaid ")

Leave out lines 14 to 26.

After clause 54 insert clauses F. and G.—

Acquisition
of land by
Congested
Districts
Board.

F.—(1) From and after the appointed day, the Congested Districts Board shall cease to exercise any power to acquire land save as otherwise provided in this section.

(2) Where any congested estate situated in a congested districts country (or any estate so situated, for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858), or any untenanted land, is required by the Congested Districts Board for the purposes of the Congested Districts Board (Ireland) Acts, as amended by this Act, the Board shall issue a requisition calling upon the Land Commission to take steps to acquire the estate or untenanted land otherwise than by the exercise of the compulsory powers by this Act conferred upon them, and shall state what in their opinion would be the fair price of such land.

(3) Upon the receipt of such requisition the Land Commission shall take all reasonable and proper steps to acquire the estate or land by voluntary agreement, on such terms as they shall, in the circumstances, deem reasonable, in the manner provided by this Act in the case of sales other than compulsory, and shall thereafter make an order which shall be effectual to transfer to and vest in the Congested Districts Board such estate or untenanted land for all the rights acquired by the Land Commission therein.

Provided that, if the untenanted land be not situated in a congested districts county, the Land Commission, before making such an order as aforesaid in respect of such land, may sell such parcel or parcels thereof under the Land Purchase Acts to any

Page 27.

tenant or proprietor of a congested holding on or immediately adjacent to such land as will raise such holding or holdings to a valuation of ten pounds, and shall make such order as aforesaid only in respect of the balance of such land remaining over after the sale of such parcel or parcels as aforesaid.

(4) Notwithstanding anything in this section, the Congested Districts Board may, for the purpose of the Congested Districts Board (Ireland) Acts, purchase the interests from the occupying tenant in any holding provided the tenant accept the price offered by the Board.

G. If at any time on a representation in the prescribed form from the Congested Districts Board it appears expedient to the Lord Lieutenant, acting by and with the advice of the Privy Council, to include under the provisions of section thirty-six of the Purchase of Land (Ireland) Act, 1891, an electoral division or any part thereof other than the divisions already scheduled as congested under that section, or at any time after consultation with the Board to exclude from that provision any electoral division, or part thereof, which is now included, it shall be lawful for him to include or exclude, as the case may be, such division, or part thereof:

Inclusion or exclusion of electoral districts by Lord Lieutenant as congested under provisions of 54 & 55 Viet. c. 48.

Provided that no division, or part thereof, shall be included which is not situated in an administrative county which contains a congested districts county.

Line 38, leave out ("whether before or after") and insert ("before")

Page 28.

Line 4, leave out from ("to") to the end of line 6 and insert ("whomsoever they think fit having regard to the welfare of the locality")

Line 15, after ("section") insert ("subject, however, to restrictions as to the persons to whom the order in, and the conditions and circumstances upon or under which, advances may be made for the purchase of parcels of land under the Land Purchase Acts similar to those contained in section sixteen of this Act, so far as the same may be applicable")

Page 28.

Leave out clauses 56 to 66 and insert clauses H., I., K., L., M., N., and O.—

Application of s. 18 of 3 Edw. 7. c. 37 to land acquired by Land Commission on requisition of Congested Districts Board.

H. When after the passing of this Act the Land Commission acting on a requisition from the Congested Districts Board enter into an agreement for the purchase of an estate or untenanted land, or compulsorily acquire an estate, or untenanted land for the Board, the provisions of section eighteen of the Act of 1903 (which relates to rents and profits recoverable by the Land Commission) shall apply in like manner as they apply in the case of land agreed to be purchased by the Land Commission, subject to the following modifications (that is to say):—

- (a) The Congested District Board shall be substituted for the Land Commission ;
- (b) All rents and profits and arrears of rent payable to the Board shall be recoverable by the Board in like manner as if the Board were the owner of the estate or untenanted land.

Scheme for compulsory purchase to be submitted to Land Commission by Congested Districts Board.

I. Where the Congested Districts Board are of opinion that it is desirable to acquire land for the purpose of relieving congestion in any portion of a congested districts county, by adding to the holding of any proprietor or tenant of a holding therein of a rateable value of less than ten pounds, such parcel or parcels of land, as will, when added to such holding raise the rateable value thereof, so far as the same can at the time of such addition be reasonably estimated, to the sum of ten pounds, or by providing a holding for a person who has surrendered his holding for the purpose of relieving congestion, they may submit to the Land Commission a scheme setting forth the land which they propose should be acquired for the purposes aforesaid on their behalf, the extent, nature, boundaries, and condition thereof, and the names of the person or persons by whom the same owned, occupied, or used, and enjoyed, the mode in which it is used, worked, or cultivated, together, with such further and other particulars as may be prescribed. An authentic copy of such scheme, signed by the Secretary of the Board, shall be lodged in the offices of the Land Commission in the time and manner prescribed, together with a statement under the hand of the aforesaid secretary, setting forth in detail the facts which, in the opinion of the said Board, establish that the land sufficient and suitable for the aforesaid purpose, cannot be acquired by voluntary purchase at a reasonable price.

Page 28.

K. The Estates Commissioners shall consider the said scheme and the matters set forth in the said statement and if satisfied that it is *prima facie* necessary that the land therein mentioned should be acquired compulsorily for the purposes therein set forth, shall proceed so to acquire the same in manner hereinafter provided :—

- (1) The Estates Commissioners shall publish in the "Dublin Gazette" a notice containing the prescribed particulars with respect to the lands proposed to be acquired, and calling upon any person interested in the same who may object on any ground to the acquisition thereof compulsorily under this section to lodge in the office of the Land Commissioner, within the prescribed time, a statement on the grounds of his or her objections :
- (2) A copy of the aforesaid notice shall be served by the Estates Commissioners so soon as may be, in the prescribed manner, upon any person who appears to them to be the owner or an owner of the said land or any part thereof, and upon all persons known or believed by them to be interested therein :
- (3) At any time after the publication of the aforesaid notice, any inspectors of the Estates Commissioners or other persons appointed by them in that behalf may enter upon the land and do all such things as may be necessary for the purpose of enabling the three Commissioners aforesaid to determine whether the said land is suitable for the purpose for which it is sought to be acquired :
- (4) If no objection has been made by any of the persons aforesaid to the acquisition thereof under this Act, or any such objection, if made, has been withdrawn, the Estates Commissioners may make an order that on payment into the Bank of Ireland of the compensation for the lands taken and also for any other land of the same owner or owners injuriously affected (such compensation to be ascertained in the manner hereinafter provided), the said land, or such portion thereof as they shall specify, shall vest in the Land Commission :
- (5) If an objection has been made and has not been withdrawn, the same shall be inquired into, heard, and determined in open court, the parties interested having been given

[Bill 348.]

B

Page 28.

an opportunity of being heard by a tribunal hereinafter called the tribunal, composed of the Judicial Commissioner, together with two judges of the King's Bench Division of the High Court who are next in order on the rota mentioned in section two, subsection eleven, of the Evicted Tenants (Ireland) Act, 1907. While the said rota shall continue in force, and from thenceforth, together with the judges of the said Division who shall be next in order on a rota similar in character to the former, which the judges of the said Division are hereby authorised and empowered to frame for the purposes of this Act:

- (6) If every objection so made should be over-ruled, an order may be made by this tribunal similar to that which may be made by the aforesaid Commissioners where no objection has been made, and in addition, costs not exceeding thirty pounds in amount may be awarded to any person appearing to sustain or oppose any objection, same to be paid by the Land Commission :
- (7) If every objection so made and not withdrawn shall not be over-ruled, then, subject to the appeal hereinafter mentioned, no further proceedings shall be taken without the consent of the Judicial Commissioner to acquire the said lands compulsorily for a period of five years :
- (8) An appeal shall lie to the Court of Appeal from any decision of the said tribunal on any question of law, or mixed question of law and fact. The Court of Appeal shall have jurisdiction and power, on the hearing of the appeal, to make any order, including an order as to cost, which the tribunal could have made, and the same consequences shall follow upon the making of such an order as would have followed if the same had been made by the said tribunal :
- (9) The decision of the Court of Appeal shall be final :
- (10) Upon the making of an order by the aforesaid tribunal or by the Court of Appeal over-ruling all objections, or of the making of an order by the said Commissioners where no objection has been made, or if made has been withdrawn, or within a reasonable time thereafter the compensation payable in respect of the lands taken or

injuriously affected shall be determined on the principles on which compensation is awarded for lands taken compulsorily under the Lands Clauses Acts by two arbitrators, of whom one shall be appointed by the Congested Districts Board and the other by the vendor. Such arbitrators shall appoint an umpire within the time and in the manner prescribed, and if they fail or neglect to do so an umpire shall be appointed by the Lord Chief Justice of Ireland for the time being. The decision of the umpire on the matters on which the arbitrators may differ, or which may be referred to him, shall be final: Provided that, with the consent of all the parties interested, the amount of the aforesaid compensation may be determined on the principles aforesaid by the tribunal itself instead of by arbitration:

- (11) All moneys paid into the Bank of Ireland as compensation for lands purchased or taken under this part of this Act shall be dealt with as if they were the purchase money of lands purchased by the Land Commission, and the provisions of the Land Purchase Acts relative to such lands and purchase money shall as nearly as possible apply, whether in respect of the making of title, the making of vesting orders, the transfer of claims from the land to the purchase money, the distribution of the purchase money, or otherwise.

L. The Congested Districts Board may at any time, with the consent of the tribunal, and on such terms as to payment of cost and otherwise as the latter may deem fit to impose, modify the scheme so lodged by them to meet any objection raised thereto.

Modification of scheme by Congested Districts Board.

The Court of Appeal may in cases pending before it on appeal permit the said scheme to be modified on similar terms.

M. In the case of the acquisition of land compulsorily, such sum as the vendor may approve and the Land Commission may sanction shall be paid out of the purchase money to the land agent of the estate on which such land is situated or to the negotiator for the purposes of the sale (if any) and the said agent or negotiator shall give the Land Commission such information as may be required by them after all questions in connection with the compulsory acquisition of the land shall have been finally determined.

Payment to land agent, &c., on acquisition of land compulsorily.

Page 28.

Lands which
may not be
acquired
compulsorily
under pre-
ceding
section.

N. Land shall not be acquired compulsorily under the provisions of this Part of this Act which—

- (1) Is situate without an administrative county containing a congested districts county. For the purpose of this subsection the west riding of the county of Cork shall be deemed an administrative county; or
- (2) Is land not deemed under the provisions of this Act to be untenanted land held by a tenant under a bonâ fide contract of tenancy and by him used or cultivated as a farm or part of a farm according to a reasonable course of husbandry; or
- (3) Has been acquired by a tenant under the provisions of the Irish Church Act, 1869, or purchased under the Land Purchase Acts as defined by the Redemption of Rent (Ireland) Act, 1891, the Irish Land Act, 1903, or this Act; or
- (4) Is the property of any local authority, or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the scheme forms part of any park, garden, pleasure ground, recreation ground, demesne, or home farm, or is required for the amenity or convenience of any dwelling-house; or
- (5) Is of an annual rateable value not exceeding two hundred pounds and is occupied and cultivated as a farm according to a reasonable course of husbandry by a person holding under a fee-farm grant, or a lease for lives renewable for ever, or for a term of years of which not less than sixty are unexpired. Provided that if the annual rateable value of the said farm shall exceed two hundred pounds the compulsory provisions of this Part of this Act shall apply only to such a proportion of the farm as may be found to represent a rateable valuation in excess of two hundred pounds, and the Estates Commissioners may divide the farm and apportion the valuation, subject, however, to the provisions of this Part of this Act respecting the hearing of objections and the fixing of prices:

Page 28.

Provided always that, in the exercise of the powers for the acquisition of land conferred by this Act, the Estates Commissioners shall, in the case of untenanted land, avoid all interference with the demesne and amenity of residence of the owner of the land, or with any home farm, or land immediately adjoining or customarily occupied with his residence, and land shall be selected with due regard to the general situation and convenience of any other property of the owner, so as not to diminish the value thereof.

O. Land shall not be acquired compulsorily for the purpose of being sold, nor shall it, if so acquired, be sold to any person or persons other than those hereinbefore mentioned, and under the conditions and restrictions hereinbefore set forth.

Land not to be acquired compulsorily for purpose of being sold.

Page 33.

Line 9, leave out ("Land Law")

Leave out clause 67.

Page 34.

Line 7, leave out ("Part VI.")

Leave out clause 69 and insert clauses P. and Q.—

P. Subject to the provisions of section fifty-three, paragraph four, land in the occupation of a person holding under a fee-farm grant or a lease for lives renewable for ever, or a lease for a term of years of which not less than sixty are unexpired, shall for the purposes of the Act of 1903, the Evicted Tenants (Ireland) Act, 1907, and this Act, be deemed to be untenanted land.

Untenanted land.

Q. Notwithstanding anything contained in section one, subsection (2) of the Congested Districts Board (Ireland) Act, 1901, the Congested Districts Board shall not be required to state in the notice served upon any tenant that the new holding with which the Board undertakes to provide him shall be situated in the same or an adjacent or neighbouring estate.

Amendment of 1 Edw. 7. c. 34. s. 1 (2).

Page 35.

Leave out lines 10 and 11.

Page 36.

Line 29, after ("land ") insert ("and in any case where the
" amount advanced is less than the purchase money ")

Line 31, after ("Treasury ") insert (" regard being had in the
" case of untenanted land to the fair annual value of the
" land to the owner ")

Page 37.

In the third column leave out lines 9, 10, and 12, and also
lines 23 and 24.

LORDS AMENDMENTS

TO THE

IRISH LAND BILL.



*Ordered, by The House of Commons, to be Printed,
27 October 1909.*

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C.4, and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price 2d.*]

[Bill 348.]