



THE LAND ACT 1984

The Land Act 1984 came into force on 16th December last and contained a number of significant provisions namely:

1. The provisions of the previous Land Acts which militate against long term leasing of agricultural land were repealed. It is important to note however that regard must still be had to the terms of the Landlord and Tenant Amendment Act 1980 and the rights accruing to a Lessee by virtue of business occupation in excess of three years¹. If farm buildings are let to a tenant without lands or with such a small amount of land so that the buildings would not be deemed to be ancillary to the lands then in these circumstances the buildings may be a tenement within the meaning of Section 5 of the Landlord & Tenant Amendment Act 1980. In such cases the lessor should have regard to the fact that the lessee may acquire rights to a new tenancy pursuant to Part 11 of the 1980 Act.
2. The Building Societies Amendment Act of 1983² provided that a Charge on land to secure payment of a conventional rent, Fee Farm Rent or a Crown Rent, shall not be a prior mortgage for the purposes of Section 80 of the Building Societies Act 1976². Section 4 (2) of the Land Act 1984 goes further to provide that a Purchase Annuity, a Land Reclamation annuity or any other annual payment to the Land Commission not covered by the Building Societies Amendment Act 1983² shall not be a prior mortgage. This overcomes the lacuna in the 1983 Act² which while covering Rent Charges generally failed to deal with Tithe Rents. Now by virtue of the Land Act all annual payments to the Land Commission shall not be prior mortgages and accordingly will not have the effect of rendering void a building society mortgage or charge which may be subsequent in priority to it.
3. Section 7 of the Act in recognition of the fact that Tithe Rents are an anachronism provides that as and from 1st January 1985 all rent charges in lieu of Tithes, Perpetuity Rents or other periodic payments payable to the Irish Church Temporalities Fund which subsisted on 28th September 1975 shall be extinguished. The Land Commission ceased to collect Tithe Rents as and from 28th September 1975, as the administrative cost in doing so exceeded the income received.
4. Section 13 provides that an appointment of new trustees by the Minister to trusts set up to hold lands allotted by the Land Commission - mainly sports fields - shall operate to vest the property in such Trustees. This overcomes a lacuna in the 1950 Land Act.

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*1. The reference to 3 years is
now 5 years - see Landlord
and Tenant (Amendment) Act,
1994*

*2. Please note that the
Building Societies Acts 1976 -
1983 have now been repealed
and replaced by the Building
Societies Act 1989*