



The Land Act 2005 has now been enacted and all sections of the Act have been commenced by statutory instrument, operational from 4 November 2005 for all sections of the Act, with the exception of section 5. The operational date for Section 5 was 2 December 2005.

Repeal of Sections 12 and 45 of the Land Act, 1965

Sections 12 and 45 of the Land Act 1965 and section 6 of the Land Act 1946 are fully repealed with effect from 4 November, 2005. Section 12 of the Land Act 2005 contains the specific repeal provisions.

In the circumstances, consents will no longer be necessary from the Land Commission/Minister for Agriculture and Food for:

- (i) The subdivision of holdings or,
- (ii) The purchase of land by non-qualified persons.

The administrative practice of issuing retrospective consents also ceased from 4 November 2005.

In this regard, the following arrangements have been agreed by the Department of Agriculture with the Land Registry office. Where a deed of transfer has been executed prior to the date of commencement of the Land Act 2005, without the necessary consents being sought and issued, contact should be made by the relevant solicitor with the Department's office at Farnham Street, Cavan to request a letter of confirmation (for lodgement with the Land Registry dealing) that if the consents had been applied for at the appropriate time (prior to the operation of the Act), the relevant consents would have been issued at that time.

Land purchase annuities

The Act provides that any land purchase annuity with an outstanding balance of under €200 is written off as and from 4 November, 2005. This leaves approximately 2,300 remaining land purchase annuities that may be bought out at a 25% discount during a period of 6 months from the 1 January 2006; alternatively, people may wish to continue to discharge the annuity in the usual way until the full loan is paid off.¹

Practitioners should note that the letter of confirmation referred to in relation to Sections 12 and 45 above, does not remove the requirement to obtain a specific certificate from the Department of Agriculture in respect of the clearance of any current land purchase annuity arrears, as set out in Section 5 of the Act. This would arise where an annuitant decided, for whatever reason, not to avail of the proposed discounted buyout and continued with their annuity repayments until the full loan was paid off.

LAND ACT 2005 - REPEAL OF SECTIONS 12 AND 45 OF THE LAND ACT, 1965



**LAND ACT 2005 -
REPEAL OF
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(Contd.)

Section 5 of the Land Act 2005, provides for a certificate of clearance being furnished to the Land Registry in respect of annuity arrears where a transfer of land subject to an annuity is presented for registration in the Registry. It is possible that there may be transfers in existence which, while executed prior to the commencement of the Land Act 2005, will only be presented to the Land Registry after the Land Act 2005 commenced. In order to provide for this eventuality, the Department indicated that Section 5 would be commenced on 2 December, 2005, approximately one month after the date for commencement of the other provisions of the Land Act 2005.

Any dealing involving land, the subject of a trust scheme set up under sections 4 and 20 of the Land Act 1903, as extended, continues to require the appropriate specific consent from the Minister for Agriculture and Food under section 30 of the Land Act 1950.

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*1. The deadline for buying out
these annuities was extended to
31st October 2006 under
S.I. No. 352 of 2006.*