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Number 45 of 1960.

## PROPERTY VALUES (ARBITRATIONS AND APPEALS) ACT, 1960.

### ARRANGEMENT OF SECTIONS

#### Section

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#### Acts Referred to

<a href="#">Finance (1909-10) Act, 1910</a>	1910, c. 8
<a href="#">Acquisition of Land (Assessment of Compensation) Act, 1919</a>	1919, c. 57
<a href="#">Arterial Drainage Act, 1945</a>	1945, No. 3
<a href="#">Acquisition of Land (Reference Committee) Act, 1925</a>	1925, No. 22



Number 45 of 1960.

## PROPERTY VALUES (ARBITRATIONS AND APPEALS) ACT, 1960.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF PROPERTY ARBITRATORS TO EXERCISE THE POWERS AND PERFORM THE FUNCTIONS BOTH OF REFEREES IN RELATION TO APPEALS UNDER PART I OF THE [FINANCE \(1909-10\) ACT, 1910](#) , AND OF ARBITRATORS IN RELATION TO ARBITRATIONS UNDER THE [ACQUISITION OF LAND \(ASSESSMENT OF COMPENSATION\) ACT, 1919](#) , AND THE [ARTERIAL DRAINAGE ACT, 1945](#) , FOR THOSE AND OTHER PURPOSES TO AMEND THOSE ACTS AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [21<sup>st</sup> December, 1960.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation. **1.**—In this Act—

“the Act of 1910” means the [Finance \(1909-10\) Act, 1910](#) ;

“the Act of 1919” means the [Acquisition of Land \(Assessment of Compensation\) Act, 1919](#) ;

“the Act of 1945” means the Arterial Drainage Act, 1945 ;

“the Reference Committee” means the Reference Committee established by section 1 of the Act of 1919 as amended by the Acquisition of Land (Reference Committee) Act, 1925 .

Property arbitrators. **2.**—(1) The Reference Committee may appoint one or more persons having special knowledge of the valuation of land or having such other qualifications as the Reference Committee considers suitable to be an arbitrator or arbitrators for the purposes of Part I of the Act of 1910, the Act of 1919 and the Act of 1945 and a person so appointed shall be known, and is referred to in this Act, as a property arbitrator.

(2) A property arbitrator shall hold office on such terms and conditions, other than those provided for under subsection (3) of this section, as the Reference Committee may from time to time determine with the approval of the Minister for Finance.

(3) A property arbitrator shall be paid, out of moneys provided by the Oireachtas, such remuneration and allowances for expenses as the Minister for Finance may from time to time determine.

(4) Where, immediately before the date of the passing of this Act, a person holds office as a member of the panel of official arbitrators under the Act of 1919 and is in receipt of an annual salary in respect of such office, that person shall be deemed to have been appointed under this section on such date to be a property arbitrator for the purposes of Part I of the Act of 1910, the Act of 1919 and the Act of 1945 and to hold office on terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) not less favourable than those on which he held office as a member of the panel aforesaid.

Arbitrators for the purposes of section 33 of Act of 1910. **3.**—(1) An appeal under section 33 of the Act of 1910 shall be referred to a property arbitrator who shall be nominated by the Reference Committee for the purposes of such reference in accordance with rules made by the Reference Committee under this section and, accordingly—

(a) so much of subsection (2) of the said section 33 as provides for the reference of an appeal thereunder to such one of a panel of referees appointed under Part I of the Act of 1910 as may be selected in manner provided by rules under the said section 33 shall cease to have effect, and

(b) references in the said section 33 to a referee selected under that section shall be construed as references to a property arbitrator nominated under this section and the reference in the said section 33 to the Reference Committee established under that section shall be construed as a reference to the Reference Committee.

(2) Where, in an appeal under the said section 33, the value of any minerals is relevant to the determination of the property arbitrator, the appellant and the Revenue Commissioners may each, in addition to the persons, if any, nominated under subsection (3) of the said section 33, nominate one person having experience in the valuation of minerals to consult the property arbitrator and, in determining the appeal, the property arbitrator shall consult any person nominated under this subsection.

Amendment of section 1 of Act of 1919. **4.**—The arbitration referred to in subsection (1) of section 1 of the Act of 1919 shall, in relation to the reference and determination under that subsection of any question, be the arbitration of a property arbitrator nominated for the purposes of such reference and determination by the Reference Committee in accordance with rules made by the Reference Committee under this section and, accordingly—

(a) so much of the said subsection (1) as provides for the reference of questions to and their determination by such one of a panel of official arbitrators to be appointed under the said section 1 as may be selected as therein provided shall cease to have effect, and

(b) references in the Act of 1919 to an official arbitrator shall be construed as references to a property arbitrator nominated under this section.

Arbitrators for the purposes of Act of 1945. **5.**—The arbitrator for any purpose for which an arbitrator is required under the Act of 1945 shall be a property arbitrator who shall be nominated for that purpose by the Reference Committee and, accordingly, references in the Act of 1945 to an arbitrator nominated or appointed by the Reference Committee from the Panel of Drainage Arbitrators shall be construed as references to a property arbitrator nominated by the Reference Committee under this section.

Provisions in relation to arbitrations and appeals before the passing of this Act.

- 6.—**(1) This Act, other than this section, shall not have effect in respect of—
- (a) any appeal under section 33 of the Act of 1910 in relation to which a referee has been selected under that section before the date of the passing of this Act,
  - (b) any question in relation to which an official arbitrator has been selected under the Act of 1919 before the date of the passing of this Act, or
  - (c) any dispute, claim, objection or matter in relation to which an arbitrator has been nominated or appointed under the Act of 1945 before the date of the passing of this Act.
- (2) For the purposes of the validity of—
- (a) any decision of a referee under section 33 of the Act of 1910 in relation to an appeal referred to him under that section before the date of the passing of this Act,
  - (b) the reference of the appeal to the referee, and
  - (c) the selection of the referee for the determination of the appeal,

the referee shall be deemed to have been selected in accordance with the provisions of that section from a panel of referees appointed under Part I of the Act of 1910 and consisting of at least two persons.

- (3) For the purposes of the validity of—
- (a) any decision or award of an official arbitrator under the Act of 1919 in relation to a question referred to arbitration under that Act before the date of the passing of this Act,
  - (b) the reference of the question to the official arbitrator, and
  - (c) the selection of the official arbitrator for the determination of the question,

the official arbitrator shall be deemed to have been selected in accordance with the provisions of that Act from a panel of official arbitrators appointed under that Act and consisting of at least two persons.

Repeals. **7.—**Each enactment mentioned in the second column of the Schedule to this Act is hereby repealed to the extent mentioned in the third column of that Schedule opposite the mention of that enactment.

Short title. **8.—**This Act may be cited as the Property Values (Arbitrations and Appeals) Act, 1960.

#### SCHEDULE.

#### Enactments Repealed.

#### Section 7.

Chapter and Session or Number and Year	Title	Extent of Repeal
10 Edw. 7, c. 8.	<u>Finance (1909-10) Act, 1910</u> .	In subsection (5) of section 33, the words “and with respect to the mode in which the referee to whom any reference is to be made is to be selected,” and the words from “The Reference Committee for England” to the end of the subsection; section 34.
9 & 10 Geo. 5, c. 57.	<u>Acquisition of Land (Assessment of Compensation) Act, 1919</u> .	Subsections (2), (3) and (4) of section 1.
No. 10 of 1924.	<u>Courts of Justice Act, 1924</u> .	Section 20.
No. 3 of 1945.	<u>Arterial Drainage Act, 1945</u> .	In subsection (2) of <u>section 14</u> , the words from “with and subject to” to the end of the subsection; in subsection (4) of <u>section 14</u> , the words from “but with and subject to” to the end of the subsection; Part VII.