Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 25 *of* 1954

STATE PROPERTY ACT 1954

REVISED

Updated to 1 March 2023

This Revised Act is an administrative consolidation of the *State Property Act 1954*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023* (3/2023), enacted 1 March 2023, and all statutory instruments up to and including the *Official Languages (Amendment) Act 2021 (Commencement) Order 2023* (S.I. No. 90 of 2023), made 2 March 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 25 *of* 1954.

STATE PROPERTY ACT 1954

REVISED

Updated to 1 March 2023

ARRANGEMENT OF SECTIONS

PART I.

Preliminary and General.

Section

1. Short title.
2. Interpretation.
3. Cumulative nature of powers under this Act.
4. Repeal of the State Lands Act, 1924, and saving.

PART II.

State Land.

Chapter I.

Vesting of State land in State authorities and transfer of State land from one State authority to another.

5. Vesting in the Minister of State land not otherwise vested.
6. Vesting of State land in cases of doubt.
7. Transfer of State land by one State authority to another.
8. Provisions in relation to State land registered under the Registration of Title Act, 1891.

Chapter II.

Powers of State authorities in relation to State land.

9. Powers of State authorities under this Chapter to be exercisable only with the consent of the Minister.
10. Sale, exchange, gratuitous grant and leasing of State land, other than that mentioned in the First Schedule.
11. Other powers of State authorities in relation to State land other than that mentioned in the First Schedule.

12. Waiver and release of rent and arrears of rent and mesne rates in respect of State land.

CHAPTER III.

Provisions in relation to certain rents payable to the State.

13. Apportionment of former crown rents.
14. Redemption of certain State rents payable out of land sold under the Land Purchase Acts.
15. Provisions in relation to fees in respect of former crown rents.

CHAPTER IV.

Legal Proceedings.

16. Legal proceedings in respect of State land.
17. Recovery of State land held by members of Defence Forces, Garda Síochána, etc.
18. Priority of moneys due in respect of former crown rents, etc.

CHAPTER V.

Miscellaneous Provisions.

19. Gifts to a State authority, the State, the Nation or the People.
20. Power of Land Commission to purchase or accept gratuitous grant of State land for purposes of the Land Purchase Acts.
21. Meaning of "superior interest" in the Land Purchase Acts.
22. Custody of title deeds relating to State land.
23. Provisions in relation to the Commissioners.
24. Confirmation of withdrawal of certain claims in respect of former crown rents and former crown reversions.
25. Confirmation of agreement to sell Aldborough House, Dublin.
26. Confirmation of certain instruments relating to State land.

PART III.

RIGHTS AND PREROGATIVES BELONGING TO THE PEOPLE IN RELATION TO PROPERTY, ESCHEAT AND BONA VACANTIA.

27. Exercise of rights and prerogatives belonging to the People.
28. Devolution of property of dissolved body corporate.
29. Vesting of certain personal property belonging to the State in the Minister.
30. Determination of claims by the State to certain property.
31. Waiver of rights of the State to certain property.
32. Disclaimer of certain land devolving on the State by way of escheat or as bona vacantia.

PART IV.

FINANCIAL PROVISIONS.

33. Discharge of certain debts due by State authorities, etc., by set off.
34. Disposition of moneys standing to the credit of the Woods, Forests and Land Revenues Account.
35. Disposition of future moneys received in respect of State land.
36. Disposition of moneys standing to credit of the Intestate Estates Fund Deposit Account.
37. Disposition of other moneys.
38. Expenses of State authorities.

FIRST SCHEDULE.

SECOND SCHEDULE.

ACTS REFERRED TO

Foreshore Act, 1933	No. 12 of 1933
Arterial Drainage Act, 1925	No. 33 of 1925
River Owenmore Drainage Act, 1926	No. 3 of 1926
Barrow Drainage Act, 1927	No. 26 of 1927
Arterial Drainage Act, 1945	No. 3 of 1945
State Lands (Workhouses) Act, 1930	No. 9 of 1930
Saint Laurence's Hospital Act, 1943	No. 3 of 1943
Tuberculosis (Establishment of Sanatoria) Act, 1945	No. 4 of 1945
State Lands Act, 1924	No. 45 of 1924
Interpretation Act, 1937	No. 38 of 1937
Registration of Title Act, 1942	No. 26 of 1942
Court Officers Act, 1945	No. 25 of 1945
Finance Act, 1924	No. 27 of 1924
Forestry Act, 1946	No. 13 of 1946
Minerals Development Act, 1940	No. 31 of 1940
Air Navigation and Transport Act, 1936	No. 4 of 1936
Bourn Vincent Memorial Park Act, 1932	No. 31 of 1932
National Stud Act, 1945	No. 31 of 1945
Johnstown Castle Agricultural College Act, 1945	No. 33 of 1945
Air Navigation and Transport Act, 1950	No. 4 of 1950
Shannon Fisheries Act, 1935	No. 4 of 1935

Number 25 *of* 1954.

STATE PROPERTY ACT 1954

REVISED

Updated to 1 March 2023

AN ACT TO MAKE PROVISION FOR THE VESTING AND MANAGEMENT OF, AND TO CONTROL THE ALIENATION OF, CERTAIN LAND AND OTHER PROPERTY BELONGING TO THE STATE AND TO MAKE PROVISION FOR OTHER MATTERS RELATING TO STATE PROPERTY AND STATE AUTHORITIES. [9*th December*, 1954.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and General.

Short title.

1.—This Act may be cited as the State Property Act, 1954.

Interpretation.

2.—(1) In this Act—

"the Commissioners" means the Commissioners of Public Works in Ireland;

"enactment" means any enactment being—

(*a*) a pre-Union Irish statute, or

(*b*) a British statute, or

(*c*) a Saorstát Éireann statute, or

(*d*) an Act of the Oireachtas (whether passed before or after this Act);

"former crown rent" means any periodic payment which was, immediately before the 6th day of December, 1922, collectable under the Crown Lands Acts, 1829 to 1913, being—

(*a*) a crown rent, or

(*b*) a quit rent, or

(*c*) a composition rent, or

(*d*) any other rent or rent-charge;

"land" includes—

(*a*) land of any tenure,

(*b*) foreshore, within the meaning of the Foreshore Act, 1933 (No. 12 of 1933),

(*c*) mines and minerals, whether held apart from the surface or not,

(*d*) parts of buildings held or enjoyed under any lease, contract of tenancy, or licence,

(*e*) any estate or interest in land, whether in possession or in remainder,

(*f*) reversions,

(*g*) any former crown rent,

(*h*) rent and rent-charges (other than former crown rents) in respect of, or issuing out of, land,

(*i*) franchises, easements, profits-a-prendre, licences and other rights, privileges, liberties, advantages or benefits of whatsoever kind in, over, or in relation to, land;

"the Land Commission" means the Irish Land Commission;

"the Minister" means the Minister for Finance;

"the operative date" means the date of the passing of this Act;

"State authority" means any authority being—

(*a*) a Minister of State, or

(*b*) the Commissioners;

"State land" means land which belongs to the State, the Nation, the People or a State authority or a gift of which, made to the State, the Nation or the People or in terms indicating that it is for the benefit of the State, the Nation or the People, was, before the operative date, accepted by the Government or a State authority, and includes any former crown rent, but does not include—

(*a*) St. Stephen's Green Park, Dublin,

(*b*) any land conveyed or assigned to, or vested in, a State authority by way of mortgage,

(*c*) any land acquired by, or vested in, the Commissioners under the Drainage and Navigation (Ireland) Acts, 1842 to 1857, the Drainage and Improvement of Lands (Ireland) Acts, 1863 to 1892, the Arterial Drainage Act, 1925 (No. 33 of 1925), the River Owenmore Drainage Act, 1926 (No. 3 of 1926), the Barrow Drainage Act, 1927 (No. 26 of 1927), the Arterial Drainage Act, 1945 (No. 3 of 1945), or any other enactment relating to the drainage of land,

(*d*) any charge, rent-charge, annuity or other periodical payment payable to the Commissioners under or in pursuance of any enactment,

(*e*) any land (including glebe land) or any sum (including any security) now, or hereafter to be, acquired or held by, or transferred to, or vested in, or payable to, the Land Commission, whether in trust or otherwise,

(*f*) any land to which the State Lands (Workhouses) Act, 1930 (No. 9 of 1930), applies,

(*g*) any land for the time being held by the Minister for Health for the purposes of the Saint Laurence's Hospital Act, 1943 (No. 3 of 1943), or the Tuberculosis (Establishment of Sanatoria) Act, 1945 (No. 4 of 1945).

(2) In this Act, a reference by number to a section is to the section of this Act bearing that number unless it is indicated that a reference to some other Act is intended.

(3) References in this Act to State land vested in a State authority shall be construed as including references to State land vested in that State authority otherwise than by or under this Act.

Cumulative nature of powers under this Act.

3.—For the avoidance of doubts it is hereby declared that—

(*a*) the powers conferred by this Act on a State authority in relation to State land are in addition to, and not in substitution for, any powers exercisable by that State authority in relation to that State land under any previous enactment and such last-mentioned powers shall continue to be exercisable accordingly,

(*b*) nothing contained in any previous enactment relating to State land shall be construed as limiting the powers conferred by this Act in relation to that State land.

Repeal of the State Lands Act, 1924, and saving.

4.—(1) The State Lands Act, 1924 (No. 45 of 1924), is hereby repealed.

(2) Without prejudice to section 21 of the Interpretation Act, 1937 (No. 38 of 1937), the repeal of the State Lands Act, 1924, shall not affect the validity of any lease or licence made or granted under that Act.

PART II.

State Land.

Chapter I.

Vesting of State land in State authorities and transfer of State land from one State authority to another.

Vesting in the Minister of State land not otherwise vested.

5.—(1) On the operative date all land, which immediately before the operative date is State land and is not then vested in a State authority, shall, by virtue of this subsection, stand vested in the Minister.

(2) All land which becomes State land on or after the operative date and which does not, on becoming State land, vest, independently of this subsection, in a State authority shall, on so becoming State land, vest in the Minister.

Vesting of State land in cases of doubt.

6.—(1) If at any time any doubt arises, in relation to any particular State land, as to whether it is vested in a State authority or as to the State authority in whom it is vested, the Minister may, by warrant under his official seal, vest, as on and from a specified date (which may be earlier than the date of the warrant or the operative date) that State land in a specified State authority, and thereupon that State land shall vest in, and, if the said specified date is earlier than the date of the warrant or the operative date, be deemed to have been vested in, the said specified State authority on the said specified date.

(2) No stamp duty shall be payable on any warrant under subsection (1) of this section.

Transfer of State land by one State authority to another.

7.—(1) A State authority in whom any State land is for the time being vested may (with, in case that State authority is not the Minister, the consent, which may be general or particular, of the Minister) convey, assign or transfer such State land to any other State authority.

(2) No stamp duty shall be payable on any conveyance, assignment or transfer executed under subsection (1) of this section.

Provisions in relation to State land registered under the Registration of Title Act, 1891.

8.—(1) In this section—

"the Act of 1891" means the Registration of Title Act, 1891, as amended by the Registration of Title Act, 1942 (No. 26 of 1942);

"the registering authority" means the registering authority under the Act of 1891;

"person" includes a public officer or body or person referred to in section 78 of the Act of 1891.

(2) Where the registering authority is satisfied that land in respect of which any person is registered under the Act of 1891 is State land and there is produced to him a certificate under the official seal of the Minister certifying that such State land has, by virtue of subsection (1) or subsection (2) of section 5, vested in the Minister, the registering authority shall substitute in the appropriate register the name of the Minister for that of such person.

(3) Where any State land which is registered under the Act of 1891 becomes vested in a State authority by virtue of a warrant under section 6 or a conveyance, assignment or transfer under section 7, the registering authority shall, upon the production of the warrant or conveyance, assignment or transfer, substitute in the appropriate register the name of that State authority for that of the person in whose name such State land was theretofore registered.

(4) A State authority in whom State land is vested may be registered as the owner of that State land under the Act of 1891, and shall be entitled to receive such notices and to make and enter any such application or cautions and do all such other acts as any owner of land or of a right on land (as the case may be) is entitled to receive, make, enter or do under the Act of 1891.

(5) No fees shall be payable in respect of any proceedings in the Land Registry under this section.

Chapter II.

Powers of State authorities in relation to State land.

Powers of State authorities under this Chapter to be exercisable only with the consent of the Minister.

9.—The powers conferred by this Chapter on a State authority shall, where that State authority is not the Minister, be exercisable only with the consent (which may be general or particular) of the Minister.

Sale, exchange, gratuitous grant and leasing of State land, other than that mentioned in the First Schedule.

10.—(1) The powers conferred by this section shall not be exercisable in respect of the State land mentioned in the First Schedule to this Act.

(2) A State authority may, in respect of any State land for the time being vested in that State authority, do all or any of the following things—

(*a*) sell such State land or any part thereof,

(*b*) exchange, on such terms (including payment or receipt of money for equality of exchange) as such State authority may determine, such State land or any part thereof for any other land,

(*c*) make a grant gratuitously of such State land or any part thereof for any specified purpose,

(*d*) make a lease of such State land or any part thereof for any term.

(3) Every sale of State land under paragraph (*a*) of subsection (2) of this section shall be made for such consideration in money or money's worth as the State authority selling it shall determine.

(4) (*a*) Every grant of State land under paragraph (*c*) of subsection (2) of this section shall contain such covenants, conditions and agreements (including a right of re-entry on breach thereof) as the State authority making the grant shall determine and shall agree upon with the person to whom the grant is made.

(*b*) Every covenant, condition and agreement contained in any grant of State land under paragraph (*c*) of subsection (2) of this section shall be equally binding on, and enforceable against, any person claiming through or under the original grantee as if the grant had been made to that person.

(5) The following provisions shall apply in relation to every lease of State land made, under paragraph (*d*) of subsection (2) of this section, by a State authority, that is to say—

(*a*) the lease shall, unless that State authority determines that it should in the public interest be made free of any payment, be made subject to the payment to that State authority of such moneys, whether by way of fine or other preliminary payment or by way of rent or by both such ways, as that State authority shall determine and shall agree upon with the person to whom the lease is made;

(*b*) the lease shall contain—

(i) such covenants, conditions and agreements as that State authority shall determine and shall agree upon with the person to whom it is made,

(ii) a proviso for re-entry on the breach, non-performance or non-observance by the lessee of any covenant on the lessee's part, condition or agreement contained in the lease.

(6) As soon as may be after the 30th day of June and the 31st day of December in every year the Minister shall cause to be laid before each House of the Oireachtas, a report giving particulars of all sales, exchanges, grants and leases (other than any lease for a term not exceeding twenty-one years) made or granted during the preceding half year in exercise of the powers conferred by this section.

Other powers of State authorities in relation to State land other than that mentioned in the First Schedule.

11.—(1) The powers conferred by this section shall not be exercisable in respect of the State land mentioned in the First Schedule to this Act.

(2) A State authority may, in respect of State land for the time being vested in that State authority, do all or any of the following things—

(*a*) grant to any person, on such terms and conditions as such State authority shall determine, a tenancy from year to year or for any lesser period;

(*b*) grant to any person, on such terms and conditions and for such period as such State authority shall determine, a licence to occupy or to use or to occupy and use, either generally or in a particular manner or for a particular purpose, such State land;

(*c*) grant, by way of licence or otherwise, to any person, on such terms and conditions and for such period as such State authority shall determine, any easement, profit-a-prendre or other right, privilege or liberty over, or in respect of, such State land, or any part thereof;

(*d*) grant to any person, on such terms and conditions and for such period as such State authority shall determine, a right to raise, but from not more than twenty feet below the surface, and take and carry away from such State land

any one or more of the following substances, namely, sand, gravel, stone, clay and turf;

(*e*) surrender, on such terms (including the receipt or payment of money) as such State authority shall determine, any grant, lease, tenancy or licence under which such State land or any part thereof is held or occupied by or for the State;

(*f*) accept a surrender, on such terms (including the receipt or payment of money) as such State authority shall determine, of any grant, lease, tenancy or licence under which such State land or any part thereof is held from the State or such State authority;

(*g*) waive, release or vary any covenant or condition contained in any grant, lease, tenancy or licence (including a grant, lease, tenancy or licence made or granted before the operative date) of such State land or any part thereof, whether a breach of such covenant or condition has or has not taken place;

(*h*) waive any breach (whether occasioning or not occasioning a forfeiture and whether committed before, on or after the operative date) of any covenant or condition contained in any grant, lease, tenancy or licence (including a grant, lease, tenancy or licence made or granted before the operative date) of such State land;

(*i*) dedicate such State land or any part thereof for use by the public;

(*j*) permit the public generally or any particular class or section of the public or the members of any particular association, club or organisation to have access to and to use such State land, either generally or for a particular purpose, on such terms and conditions as such State authority shall determine.

(3) (*a*) Where a State authority permits the public generally or any particular class or section of the public or the members of any particular association, club or organisation to have access to and to use any State land vested in that State authority, that State authority may, if that State authority thinks fit, make bye-laws regulating such access and use.

(*b*) If any person contravenes (by act or omission) any bye-law made under this subsection, such person shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Waiver and release of rent and arrears of rent and mesne rates in respect of State land.

12.—(1) In this section, "rent" includes a former crown rent, a rent charge, a rent service and a rent sec, and also includes royalties, charges for the use and occupation of State land and money payable periodically under a licence.

(2) Whenever a State authority is satisfied, in respect of any rent payable to that State authority out of land, that it is not practicable or is not expedient to enforce the payment of such rent or a part thereof, that State authority may waive the payment of such rent or such part thereof and release such land therefrom to the extent either that such rent or such part thereof shall cease to be payable at all thereafter or that such rent or such part thereof shall cease to be payable during a certain period or during the continuance of certain circumstances or until the happening of a specified event, and where such waiver or release is made that State authority may attach thereto such (if any) conditions as that State authority thinks proper.

(3) Where a State authority is satisfied in respect of any arrears (whether such arrears accrued due before or after or partly before and partly after the passing of this Act) of rent payable to that State authority that such arrears or any part thereof cannot be recovered or that it is not expedient to enforce payment thereof, that State authority may waive the payment of such arrears or such part thereof and discharge the person liable therefor from payment thereof and make such waiver, release and discharge either unconditionally or subject to specified conditions.

(4) Where a person is liable to pay to a State authority any mesne rates in respect of State land, that State authority may release such person from such liability in whole or in part either unconditionally or subject to specified conditions.

(5) As soon as may be after the 30th day of June and the 31st day of December in every year the Minister shall cause to be laid before each House of the Oireachtas a statement giving particulars of all waivers, releases and discharges made or granted during the preceding half year in exercise of the powers conferred by this section.

Chapter III.

Provisions in relation to certain rents payable to the State.

Apportionment of former crown rents.

13.—(1) If any land is liable, in conjunction with other lands, to any former crown rent, then, in case that land is sold under the Land Purchase Acts, the Judicial Commissioner of the Irish Land Commission or, in any other case, the Minister may by order apportion such former crown rent upon or amongst the several lands liable to the payment thereof, or upon or amongst any part or parts of those lands in exoneration of the remainder thereof, or may charge the whole of any such former crown rent on any part of the lands charged therewith in exoneration of the remainder of those lands.

(2) For the purpose of apportionment or exclusive charge under this section, when any former crown rent or any portion thereof has been for a period of not less than twenty years, or is under the provisions of any contract, paid in respect of any land, such former crown rent, or portion thereof, as the case may be, shall be deemed to be charged on that land whether originally so charged or not.

(3) Every apportionment or exclusive charge under this section shall be binding on the State and on every person, and the apportioned part of any former crown rent or any former crown rent so exclusively charged, shall thenceforth issue out of and be chargeable upon the land whereon the same may be apportioned or exclusively charged.

(4) No apportionment or exclusive charge under this section shall in any manner prejudice or affect any reversion or remainder of the State in any land originally charged with any former crown rent so apportioned or exclusively charged.

(5) The Judicial Commissioner of the Irish Land Commission may make rules in relation to the jurisdiction conferred on him by this section.

(6) (*a*) An appeal shall lie to the High Court against any order made by the Minister under this section.

(*b*) The jurisdiction conferred on the High Court by this subsection shall be exercised by a judge of the High Court nominated by the President of the High Court for the purpose.

Redemption of certain State rents payable out of land sold under the Land Purchase Acts.

14.—(1) In this section "State rent" means any rent being—

(*a*) a former crown rent, or

(*b*) a rent reserved by a fee farm grant or a lease and payable to a State authority.

(2) Where—

(*a*) any land is sold under the Land Purchase Acts, and

(*b*) such land is liable to a State rent or an apportioned part of a State rent,

the Judicial Commissioner of the Irish Land Commission may order such rent or apportioned part to be redeemed at such price as he thinks proper.

Provisions in relation to fees in respect of former crown rents.

15.—Where a former crown rent is vested in a State authority the like fees shall be paid to that State authority on the payment to that State authority of such former crown rent as were, prior to the 6th day of December, 1922, payable in respect of such former crown rent under sections 86 and 87 of the Crown Lands Act, 1829.

CHAPTER IV.

Legal Proceedings.

Legal proceedings in respect of State land.

16.—(1) A State authority may, in relation to any State land for the time being vested in that State authority, institute any legal proceedings which that State authority could institute if that State authority were a private individual and the owner, lessee or tenant of such State land.

(2) In any legal proceedings instituted by a State authority against any person to recover any periodical sum (being a former crown rent or any rent, rent charge or other sum payable periodically out of State land or any sum payable by way of fees out of State land), a certificate under the official seal of that State authority certifying that a specified amount is due by such person on foot of such periodical sum in respect of a specified period shall be prima facie evidence of the matters so certified.

(3) In any legal proceedings in relation to State land instituted by the State authority in whom such State land is vested against any person, a certificate under the official seal of that State authority certifying any one or more of the following matters, namely—

(*a*) that such State land is held by that State authority on the tenure set out in the certificate,

(*b*) that such State land is held from that State authority by that person on the terms set out in the certificate,

(*c*) that a notice (in the form set out in the certificate) to quit such State land was duly served on the tenant of such State land on a specified date, and that such tenant refused to surrender possession of such State land on the expiration of the said notice,

shall be prima facie evidence of the matters so certified.

(4) Every covenant and agreement in relation to any State land entered into (whether before or after the passing of this Act) by any person (being the grantee, lessee, tenant or licensee of such State land) shall be deemed to have been entered into by that person with the State authority in whom such State land is for the time being vested and may be enforced by that State authority in like manner as if that State authority had been a party thereto.

(5) Nothing in this section shall be construed as affecting the right of the Attorney General on behalf of the State or the People to institute and carry on legal proceedings in respect of State land.

Recovery of State land held by members of Defence Forces, Garda Síochána, etc.

17.—(1) In this section—

"the proper officer" means—

(*a*) as respects premises situate in a county or county borough for which there is for the time being an undersheriff, the undersheriff of that county or county borough, or

(*b*) as respects premises situate in a county or county borough in which there is for the time being a sheriff, appointed under section 12 of the Court Officers Act, 1945 (No. 25 of 1945), in whom the functions of the county registrar for that county or county borough in relation to the execution of execution orders are for the time being vested, the sheriff of that county or county borough, or

(*c*) as respects premises situate in any other county or county borough, the county registrar for that county or county borough;

"State servant" means any person being—

(*a*) a member of the Defence Forces or of the Garda Síochána, or

(*b*) any person (not being a member of the Defence Forces or of the Garda Síochána) holding a position under a State authority.

(2) Where—

(*a*) (i) a person (being then a State servant) was (whether before, on or after the operative date) put, by reason of his being a State servant, into occupation of any premises (being State land) and

(ii) that person (whether he is or is not then a State servant) refuses to quit the premises on demand made by the State authority in whom the premises are for the time being vested or by a person authorised in that behalf by that State authority, or

(*b*) (i) a person was (whether before, on or after the operative date) put into occupation of any premises (being State land) as servant, herdsman or caretaker, and

(ii) that person refuses to quit the premises on demand made by the State authority in whom the premises are for the time being vested or by a person authorised in that behalf by that State authority, or

(*c*) (i) a person (being then a State servant) was (whether before, on or after the operative date) put, by reason of his being a State servant, into occupation of any premises (being State land), and

(ii) that person has died (whether before, on or after the operative date), and

(iii) any person who is in occupation of the premises (otherwise than with the consent in writing of a State authority) refuses to quit the premises on demand made by the State authority in whom the premises are for the time being vested or by a person authorised in that behalf by that State authority, or

(*d*) (i) a person was (whether before, on or after the operative date) put into occupation of any premises (being State land) as servant, herdsman or caretaker, and

(ii) that person has died (whether before, on or after the operative date), and

(iii) any person who is in occupation of the premises (otherwise than with the consent in writing of a State authority) refuses to quit the premises on demand made by the State authority in whom the premises are for the time being vested or by a person authorised in that behalf by that State authority,

the District Court may, on the application of the State authority in whom the premises are for the time being vested, issue an order to the proper officer to deliver

possession of the premises to any person named in the order, and upon receipt of the order the proper officer shall deliver possession of the premises accordingly, and that State authority shall be entitled to recover from the person so refusing to quit the premises the costs and expenses incurred by that State authority in conjunction with the issuing and execution of the order.

(3) In any proceedings under subsection (2) of this section in relation to any premises a certificate under the official seal of a State authority certifying all or any of the following matters—

(*a*) that those premises are at the date of the certificate vested in that State authority,

(*b*) that a specified person was on a specified date in occupation of the premises by reason of his being a State servant,

(*c*) that a specified person was on a specified date in occupation of the premises as servant, herdsman or caretaker,

(*d*) that a specified person was on a specified date in occupation of the premises,

(*e*) that a demand to quit the premises was made on a specified person on a specified date by a person authorised in that behalf by that State authority,

(*f*) that, on demand being made on a specified person on a specified date by a person authorised in that behalf by that State authority to quit the premises, such specified person refused to quit the premises,

shall be prima facie evidence of such of those matters as are mentioned in the certificate.

(4) Where possession of any premises which are vested in a State authority has been delivered by the proper officer under this section, any person who, without the consent of that State authority, enters on and takes possession of the premises or any part thereof, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and to a further fine not exceeding ten pounds for every day during which he remains in possession.

Priority of moneys due in respect of former crown rents, etc.

18.—Moneys due or payable to a State authority by way of former crown rent or rent, rent-charge, royalty or other profits of State land or by way of fees in respect of State land shall have the same priorities as are conferred by subsection (2) of section 38 of the Finance Act, 1924 (No. 27 of 1924), on the moneys to which that subsection applies.

Chapter V.

Miscellaneous Provisions.

Gifts to a State authority, the State, the Nation or the People.

19.—(1) For the purposes of this section—

(*a*) "property" includes both real and personal property,

(*b*) references to a gift of property shall be construed as references to a gift of that property by testamentary disposition, deed or otherwise,

(*c*) references to dealing with property include references to the disposing thereof.

(2) Where a gift of property is made to a State authority—

(*a*) that State authority may, with the concurrence of the Minister, accept or refuse to accept the gift,

(*b*) if that State authority accepts the gift, the property shall thereupon vest in that State authority.

(3) Where a gift of property is made to the State, the Nation or the People, or is made in terms indicating that the gift is for the benefit of the State, the Nation or the People,—

(*a*) the Government may accept or refuse to accept the gift,

(*b*) if the Government accept the gift, the property shall thereupon vest in such State authority as the Government shall by warrant determine.

(4) Where a gift of property (not being land) was made to the State, the Nation or the People before the operative date and the gift was accepted by or on behalf of the Government, the property shall, on the operative date, stand vested in the Minister.

(5) Where a property vests by virtue of subsection (2), (3) or (4) of this section in a State authority—

(*a*) the property, if land, shall become and be State land for the purposes of this Act and may, subject to subsection (6) of this section, be dealt with accordingly,

(*b*) the property, if not land, may, subject to subsection (6) of this section, be dealt with by that State authority in such manner as that State authority thinks proper.

(6) Where any property vests by virtue of subsection (2), (3), or (4) of this section in a State authority and the gift thereof was made subject to conditions, the property shall not be dealt with in a manner inconsistent with those conditions.

Power of Land Commission to purchase or accept gratuitous grant of State land for purposes of the Land Purchase Acts.

20.—Notwithstanding anything contained in any enactment, the Land Commission may, for the purposes of the Land Purchase Acts, purchase, or accept a gratuitous grant of, State land from any State authority.

Meaning of "superior interest" in the Land Purchase Acts.

21.—For the avoidance of doubts, it is hereby declared that the expression "superior interest", where it occurs in the Land Purchase Acts, shall be construed as including and as having always included any former crown reversion or estate expectant on the determination of an estate tail or a base fee.

Custody of title deeds relating to State land.

22.—The following provisions shall apply in relation to an instrument of title relating to State land—

(*a*) in case that the instrument of title relates to State land which is vested in one State authority and no more, that State authority shall have custody of it, and

(*b*) in any other case, the Minister shall have custody of it.

Provisions in relation to the Commissioners.

23.—(1) The seal of the Commissioners shall be judicially noticed.

(2) Any contract or instrument which, if entered into or executed by a person (not being a body corporate), would not require to be under seal may be entered into or executed on behalf of the Commissioners by any person generally or specially authorised by the Commissioners in that behalf.

Confirmation of withdrawal of certain claims in respect of former crown rents and former crown reversions.

24.—Where on or after the 6th day of December, 1922, and before the operative date a claim in respect of any former crown rent or in respect of any former crown reversion or estate expectant on the determination of an estate tail or a base fee was withdrawn (whether in proceedings under the Land Purchase Acts or otherwise) by the Quit Rent Office in consideration of the payment of any sum, such withdrawal is hereby confirmed and such claim shall cease to be enforceable.

Confirmation of agreement to sell Aldborough House, Dublin.

25.—(1) The agreement (in this section referred to as the said agreement) made in the year 1937, between the Minister for Posts and Telegraphs (in this section referred to as the Minister) of the one part and the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin (in this section referred to as the Dublin Corporation) of the other part whereby (inter alia) the Minister agreed to sell and the Dublin Corporation agreed to buy at the price of nine thousand nine hundred and fifty pounds the premises (in this section referred to as the leasehold premises) known as Aldborough House, Dublin, and held, immediately before the 6th day of December, 1922, by the Postmaster General under two indentures of lease, is hereby confirmed.

(2) The Minister, in performance of the said agreement, is hereby authorised and empowered to execute an assignment of the leasehold premises to the Dublin Corporation and such assignment shall operate to vest the leasehold premises in the Corporation.

Confirmation of certain instruments relating to State land.

26.—(1) The several instruments mentioned in the Second Schedule to this Act are hereby confirmed and shall be deemed always to have been valid and good in all respects.

(2) Where—

(*a*) on or after the 6th day of December, 1922, and before the operative date any land was escheated or was dealt with as bona vacantia, and

(*b*) the right of the State to such land was waived and a conveyance or assignment of such land or right thereto was executed in favour of any person,

such conveyance or assignment is hereby confirmed and shall be and be deemed always to have been valid and good in all respects.

PART III.

Rights and Prerogatives belonging to the people in relation to property, escheat and bona vacantia.

Exercise of rights and prerogatives belonging to the People.

27.—Every right and every prerogative which, by virtue of Article 49 of the Constitution, belong to the People and relate to any property (including choses-in-action) shall be exercised by the Government through and by the Minister.

Devolution of property of dissolved body corporate.

28.—(1) In this section "body corporate" does not include a body corporate dissolved by an enactment wherein it is provided that the property of that body corporate shall, on such dissolution, vest in some other person.

(2) Where a body corporate is dissolved, either before, on or after the operative date, the following provisions shall apply and have effect and, in the case of a body corporate dissolved before the operative date, be deemed to have applied and to have had effect as from such dissolution, that is to say:—

(*a*) all land which was vested in or held in trust for such body corporate immediately before its dissolution (other than land held by such body corporate upon trust for another person) shall, immediately upon such

dissolution, become and be the property of the State, subject however to any incumbrances or charges affecting the land immediately before such dissolution,

(*b*) all personal property (excluding chattels real but including choses-in-action) which is vested in or held in trust for such body corporate immediately before its dissolution (other than personal property held by such body corporate upon trust for another person) shall, immediately upon such dissolution become and be State property.

(3) Subsection (2) of this section shall have effect subject and without prejudice to any order made by a court under section 223 or subsection (6) of section 242 of the Companies (Consolidation) Act, 1908.

Vesting of certain personal property belonging to the State in the Minister.

29.—(1) In this section "personal property" does not include chattels real, but includes choses-in-action.

(2) On the operative date all personal property which became, before the operative date, the property of the State as bona vacantia or by virtue of section 28 shall, by virtue of this subsection, stand vested in the Minister.

(3) Where any personal property becomes on or after the operative date the property of the State as bona vacantia or by virtue of section 28, such personal property shall, upon so becoming the property of the State, vest in the Minister.

Determination of claims by the State to certain property.

30.—(1) Whenever the Minister claims that any property (including land) has devolved upon the State by way of escheat or has become the property of the State as bona vacantia or by virtue of section 28, the Minister may, if he so thinks fit, apply to the High Court for an order declaring (as the case may require) that such property has so devolved upon the State or that such property has so become the property of the State.

(2) Every application to the High Court under subsection (1) of this section shall in the first instance be made ex parte and the High Court shall thereupon give such directions as it thinks proper in regard to service or publication of notice of such application and shall not finally determine such application unless or until the directions so given have been complied with and such time as the Court shall consider reasonable in the circumstances has elapsed since such compliance.

(3) An order made by the High Court on an application under this section declaring that any particular property has devolved upon the State by way of escheat or has become the property of the State by way of bona vacantia or by virtue of section 28 shall (subject to appeal to the Supreme Court) be conclusive evidence binding on all persons whatsoever (whether they had or had not notice of such application) that the said property has so devolved upon or so become the property of the State in accordance with such declaration.

Waiver of rights of the State to certain property.

31.—Whenever, either before, on or after the operative date, any property of whatsoever nature or kind devolves upon the State by way of escheat or becomes the property of the State as bona vacantia or by virtue of section 28, the Minister may, if he thinks proper so to do, waive, in whole or in part and in favour of such person and upon such terms (whether including or not including the payment of money) as he thinks proper having regard to all the circumstances of the case, the right of the State to such property.

Disclaimer of certain land devolving on the State by way of escheat or as bona vacantia.

32.—(1) Where on or after the operative date the grantee's interest under a fee farm grant (in this subsection referred to as the fee farm interest) devolves on the State by way of escheat, the Minister may, by warrant under his official seal, disclaim, on behalf of the State, the right of the State to the fee farm interest, and thereupon the following provisions shall have effect, that is to say—

(*a*) the liability of the State to pay, in respect of any period commencing on or after the date of the warrant, the rent reserved by the fee farm grant shall cease;

(*b*) the warrant shall operate to vest the fee farm interest in the same persons, for the same estates and interests and subject to the same uses, trusts, provisos and agreements as the grantor's interest under the said fee farm grant was vested in and subject to immediately before the date of the said warrant.

(2) Where on or after the operative date the lessee's interest under a lease (in this subsection referred to as the leasehold interest) becomes the property of the State as bona vacantia, the Minister may, if he thinks fit, by warrant under his official seal disclaim, on behalf of the State, the right of the State to the leasehold interest, and thereupon, the following provisions shall have effect, that is to say—

(*a*) the liability of the State to pay, in respect of any period commencing on or after the date of the warrant, the rent reserved by the lease shall cease;

(*b*) the warrant shall operate to vest the leasehold interest in the same persons, for the same estates and interests and subject to the same uses, trusts, provisos and agreements as the reversion expectant on the said lease was vested in and subject to immediately before the date of the said warrant or, if the said reversion is an estate of inheritance in fee simple, as near thereto as the different natures of the leasehold interest and the said reversion will admit.

(3) Where—

(*a*) the Minister disclaims by warrant under this section the right of the State to the grantee's interest under a fee farm grant or the lessee's interest under a lease, and

(*b*) such interest was at the date of the warrant subject to any charges, incumbrances or claims (other than under the said fee farm grant or lease),

such interest shall, on and after the said date, continue to be so subject.

PART IV.

Financial Provisions.

Discharge of certain debts due by State authorities, etc., by set off.

33.—Where—

(*a*) any moneys are payable to any person by a State authority, the Revenue Commissioners or the Land Commission, and

(*b*) any moneys are due by that person to a State authority in respect of any former crown rent, any rent, rent-charge, royalty or other sum payable periodically out of State land or any sum payable by way of fees out of State land,

the first-mentioned moneys may be set off against the second-mentioned moneys either, as may be appropriate, in whole or in part.

Disposition of moneys standing to the credit of the Woods, Forests and Land Revenues Account.

34.—All moneys and securities which immediately before the operative date were standing to the credit of the Woods, Forests and Land Revenues Account together with any interest accrued thereon shall, as soon as may be after the operative date, be paid or transferred to the Savings Certificates Reserve Fund and placed to the credit of the Principal Reserve Account.

Disposition of future moneys received in respect of State land.

35.—All moneys and securities received by a State authority on or after the operative date in respect of State land shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister may direct.

Disposition of moneys standing to credit of the Intestate Estates Fund Deposit Account.

36.—(1) The Minister may from time to time direct that certain specified moneys or securities, standing to the credit of the account under his control and known as the Intestate Estates Fund Deposit Account, be—

(*a*) paid into, or transferred to, the Savings Certificates Reserve Fund and placed to the credit of the Principal Reserve Account, or

F1**[**(*aa*) transferred to the Dormant Accounts Fund established under the Dormant Accounts Act, 2001, or**]**

(*b*) paid into or disposed of for the benefit of the Exchequer in such manner as he may direct.

(2) Nothing in subsection (1) of this section shall preclude the Minister from making out of the Intestate Estates Fund Deposit Account—

(*a*) payments in connection with the administration of the estates of deceased persons (including payments in respect of funeral expenses, debts, expenses of administration and bounties), and

(*b*) such other payments as he thinks proper.

Disposition of other moneys.

37.—All moneys received by a State authority under this Act and in respect of the disposition of which provision is not made in any other section of this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister may direct.

Expenses of State authorities.

38.—The expenses incurred by a State authority in the administration of this Act shall, to such extent as may be sanctioned by the Minister, be paid out of moneys provided by the Oireachtas.

Sections 10 (1) and 11 (1).

FIRST SCHEDULE.

State Land to which Sections 10 and 11 do not apply.

1. F2**[**...**]**

F3**[**1A. Any land acquired under the Wildlife Acts, 1976 and 2000.**]**

2. State minerals within the meaning of the Minerals Development Act, 1940 (No. 31 of 1940), except sand, gravel, stone or clay which is not more than twenty feet below the surface.

3. Any land acquired by the Minister for Industry and Commerce under the Air Navigation and Transport Act, 1936 (No. 4 of 1936).

4. The Bourn Vincent Memorial Park, being the land to which the Bourn Vincent Memorial Park Act, 1932 (No. 31 of 1932), applies.

5. F4**[**...**]**

6. F5**[**...**]**

7. The land described in the Second and Third Schedules to the Air Navigation and Transport Act, 1950 (No. 4 of 1950).

Section 26 (1).

SECOND SCHEDULE.

Instruments Validated.

1. A Deed of Exchange dated the 21st day of June, 1929, made between Anne Moran of the one part and the Minister for Defence of the other part whereby—

(1) the said Anne Moran assigned to the Minister for Defence certain lands therein described as follows—

"All that part of the lands of Little Forest containing six acres, two roods and twenty-two perches statute Measure or thereabouts and shown on the plan annexed hereto and therein coloured red situate in the Barony of Nethercross and County of Dublin"

and

(2) the Minister for Defence assigned to the said Anne Moran certain lands therein described as follows—

"All that part of the lands of Rock containing seven acres three roods and thirty-four perches statute Measure or thereabouts and shown on the plan annexed hereto and therein coloured green situate in the Barony of Coolock and County of Dublin".

2. The Shannon Fisheries (Transfer of the Athlone and Castle-connell Fisheries) Order, 1937, made on the 14th day of April, 1937, under section 7 of the Shannon Fisheries Act, 1935 (No. 4 of 1935).

3. The Shannon Fisheries (Transfer of Killaloe Eel Fishery) Order, 1938, made on the 27th day of April, 1938, under section 7 of the said Shannon Fisheries Act, 1935.

4. A Transfer dated the 1st day of October, 1947, whereby the Minister for Health transferred to the Grangegorman Mental Hospital Board part of the lands of Santry

Demesne comprised in Folio 4435 County Dublin in the Register of Freeholders maintained under the Registration of Title Act, 1891, and comprising 222 acres and 1 perch or thereabouts statute measure with the Mansion house thereon known as Santry Court situate in the Barony of Coolock and County of Dublin.

Number 25 *of* 1954

STATE PROPERTY ACT 1954

REVISED

Updated to 1 March 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.