



Landlord and Tenant (War Damage) Act (Northern Ireland) 1941

1941 CHAPTER 9

GENERAL

33 Jurisdiction of the county court and appeals to the Supreme Court.

- (1) The jurisdiction of the court under this Act shall be exercised by the county court within the jurisdiction of which the land to which the proceedings relate (or any part thereof) is situate.
- (2) In any proceedings under this Act a county court judge may, if he thinks fit, summon to his assistance, in such manner as may be prescribed by rules of court, a person of skill and experience in the matter to which the proceedings relate who may be willing to sit with the judge and act as assessor.
- (3) Where an assessor is summoned by a judge in any proceedings by virtue of the last foregoing sub-section—
 - (a) the assessor may, if so directed by the judge, inspect the land to which the proceedings relate without the judge, and report to the judge in writing thereon; and
 - (b) the judge may, on consideration of the report and any observations of the parties thereon, give such judgment or make such order in the proceedings as may be just.
- (4) The remuneration of assessors for sitting as aforesaid shall be at such rate as may be prescribed by rules of court made with the consent of the Ministry of Finance.
- (5) The remuneration of an assessor summoned as aforesaid shall be defrayed out of moneys provided by Parliament.
- (6) Provision may be made by rules of court for regulating the procedure and costs of any applications to and proceedings in the county court under this Act.

Changes to legislation: There are currently no known outstanding effects for the Landlord and Tenant (War Damage) Act (Northern Ireland) 1941, General. (See end of Document for details)

[^{F1} (7) If any party to any proceedings in the county court under this Act is dissatisfied with the order, determination, direction or decision of the court he may appeal therefrom to the High Court.]

F1 1978 c.23

34 Provision as to notices.

- (1) Any notice required or authorised to be served under this Act shall be in writing.
- (2) Any such notice may be served either—
 - (a) by delivering it to the person on whom it is to be served; or
 - (b) by leaving it at the usual or last known place of abode of that person; or
 - (c) by sending it in a prepaid registered letter^{F2} addressed to that person at his usual or last known place of abode; or
 - (d) in a case where it is to be served on a body corporate, by delivering it to the secretary or clerk thereof at the registered or principal office thereof or sending it in a prepaid registered letter^{F2} addressed to the secretary or clerk thereof at that office; or
 - (e) in such other manner as the court on an application made in that behalf may direct.
- (3) Where the interest of a former landlord or tenant in the land comprised in a lease has passed to any person—
 - (a) service of any such notice on that former landlord or tenant by a person who does not know and has no reason to believe that the interest has passed, shall be treated for the purpose of this Act as service on the person to whom the interest has passed;
 - (b) the former landlord or tenant, on the receipt of any such notice, shall forthwith serve the notice on the person to whom the interest has passed, and, if he fails to do so, shall be liable to make good to any other person any damage suffered by that other person by reason of the failure.
- (4) A notice with respect to a lease shall be deemed for the purposes of this Act to have been served on the landlord if it is served on any person for the time being authorised by the landlord to receive the rent payable under the lease.

F2 1963 c.5 (NI)

35 Contracting out forbidden.

The provisions of this Act shall have effect in relation to any war damage notwithstanding any contract to the contrary made before that damage occurred.

S. 36 rep. by 1995 c. 44

37 Application to the Crown.

This Act binds the Crown, and shall apply to land belonging to His Majesty, or belonging to a department of the Government of Northern Ireland or of the

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Government of the United Kingdom, or held in trust for His Majesty for the purposes of any such department.

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