



# Landlord and Tenant (Requisitioned Land) Act 1942

## 1942 CHAPTER 13

### 1 Right to disclaim certain leases of requisitioned land

- (1) Where possession of all the land comprised in a lease to which this Act applies has been taken on behalf of His Majesty in the exercise of emergency powers, and the land or the main part thereof was, immediately before possession was so taken, being used by the tenant or by a member of the tenant's family as his residence, or for the purposes of his business, or partly as his residence and partly for the purposes of his business, the tenant may, within three months from the material date, serve on the landlord a notice (in this Act referred to as a "notice of disclaimer") stating that he disclaims the lease :

Provided that a notice of disclaimer shall not be served unless at the time when it is served possession of the land to which it relates is retained in the exercise of emergency powers.

- (2) For the purposes of this section—
- (a) land shall not be deemed to be used by any person as his residence, if he uses it only as a week-end or holiday residence or resides there only on occasional visits, but the fact that he was not actually residing there immediately before possession of the land was taken as aforesaid shall not necessarily mean that he was not then using the land as his residence ;
  - (b) land shall not be deemed to be used for the purposes of a business, if that business, so far as it was previously carried on there, has been wholly or mainly closed down or transferred to other premises, and the land is no longer used for the purposes of the business except—
    - (i) as a business address or otherwise for the purpose of preserving business connections, or
    - (ii) to store furniture, plant or other property not removed from the land, or
    - (iii) for some other purpose not involving the substantial use of the land.

- (3) Where a notice of disclaimer has been served, the landlord may, at any time within one month from the service of the notice, apply to the court to determine whether the notice is of no effect on the ground that the conditions specified in subsection (1) of this section are not fulfilled, and, if any such application is made, it shall lie with the tenant to show that the said conditions are fulfilled, and, unless it is decided by the court on such an application that the notice is of no effect on the said ground, the said conditions shall be deemed to be fulfilled.
- (4) Where possession of part only of the land comprised in a lease has been taken as aforesaid, or possession of part of the land so taken has been given up, and, if all the land had been so taken and retained, the conditions specified in subsection (1) of this section would have been fulfilled in respect thereof, the court may, on the application of the tenant made within three months from the material date, direct that this section shall have effect as if possession had been so taken and retained of all the land comprised in the lease, and shall, if it considers necessary, extend the period within which a notice of disclaimer may be served.

The court shall, in considering any application under this subsection, have regard (among other matters) to the question whether it is reasonably practicable for the occupier to use the part of the land which has not been taken, or is not retained, as a residence, or, as the case may be, for the purposes of his business.