



Landlord and Tenant (Requisitioned Land) Act 1944

1944 CHAPTER 5

3 Evidence of right to compensation, etc.

- (1) In any proceedings for the enforcement of a repairing covenant, or for the recovery of a sum under section two of this Act, a certificate purporting to be signed by or on behalf of the authority responsible for the payment of compensation in respect of the taking of possession of any land on behalf of His Majesty, and certifying—
 - (a) that possession was so taken on the date specified in the certificate of the land so specified, and is still retained or, as the case may be, was given up on the date so specified; or
 - (b) that such compensation has become payable for any damage so specified or the amount of such compensation which has become so payable,shall be sufficient evidence for the purposes of this Act of the matter so certified, unless the contrary is proved.
- (2) It is hereby declared that the provisions of subsection (2) of section twelve of the Compensation (Defence) Act, 1939 (which provides that compensation for damage shall not be paid by virtue of that Act to a person entitled, apart from that Act, to recover any sum by way of damages or indemnity in respect of that damage), do not preclude the recovery by any person of compensation under that Act for damage to land of which possession is taken on behalf of His Majesty by reason only that that person is entitled to the benefit of a repairing covenant which relates to that damage.
- (3) References in this Act to compensation payable in respect of the taking of possession of land shall be construed as references to compensation so payable by virtue of any obligation imposed by the Compensation (Defence) Act, 1939, or by virtue of any arrangements made for the payment of compensation by agreement in accordance with the provisions of section fifteen of that Act; and for the purposes of this Act compensation shall not be deemed not to have become payable to any person by reason only that he has failed duly to make a claim therefor.