



Civil Defence Act 1939

1939 CHAPTER 31

PART III

PRIVATE SHELTERS AND TRAINING IN CERTAIN FACTORIES, MINES AND BUILDINGS.

18 Provisions as to factory premises occupied under short leases.

- (1) The provisions of this section shall have effect where the occupier of factory premises who is not the owner of the whole of the premises incurs expenses in executing works in pursuance of a notice served by or on him under the preceding provisions of this Part of this Act, being a notice which or, as the case may be, a copy of which, has been duly served on all the persons on whom the occupier is required to serve it by the said provisions, and not being a notice cancelled on appeal.
- (2) On the termination, within the period of ten years immediately following the date of the completion of the works, of any tenancy of the whole or any part of the premises, being a tenancy in existence at that date, the interest expectant on the termination of the tenancy shall, unless it is otherwise agreed in connection with the works or after the completion thereof, be charged in favour of the outgoing tenant with a sum which bears to the net ascertained cost of the works, the proportion which so much of the said period as is unexpired at the termination of the tenancy bears to the whole of the period.
- (3) In this section, the expression " the net ascertained cost of the works," means such sum as may, within the six months next following the completion of the works, be agreed by all persons entitled to interests which may become subject to such a charge as aforesaid, or as may be decided in proceedings commenced within the said six months, to be the amount of the reasonable expenses incurred in executing the works, as reduced by any grant out of moneys provided by Parliament towards those expenses:

Provided that, in relation to a tenancy not extending to the whole of the premises, the said expression shall be construed as if for the reference to the amount of the said expenses reduced as aforesaid, there were substituted a reference to an amount bearing to that amount (as so reduced) the same proportion that the annual value, at the date

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of the completion of the works, of the premises comprised in the tenancy bears to the annual value at that date of the whole of the premises.

Where the air-raid shelter which has been provided in pursuance of the notice provides a greater degree of protection or accommodation than is contemplated by the code, no greater expense shall be deemed for the purposes of this subsection to have been reasonably incurred in executing the works for the purpose of providing the shelter than would have been so incurred if that greater degree of protection or accommodation had not been provided.

- (4) Any charge created by this section on any interest in factory premises shall have priority over all other incumbrances on that interest, except charges created or arising under any enactment authorising a charge for the recovery of expenses incurred by a local authority and charges created under any enactment authorising advances of public money; and any charge created under this section may be registered under section ten of the Land Charges Act, 1925, as a land charge of Class A and the person in whose favour the charge is created shall, for the purpose of enforcing it, have the same powers and remedies under the Law of Property Act, 1925, and otherwise, as he would have if he were a mortgagee by deed having powers of sale and lease, and of appointing a receiver.
- (5) The provisions of this section shall have effect in relation to any tenancy notwithstanding any term thereof requiring the tenant to pay outgoings or any similar term.
- (6) Where the occupier of factory premises has become liable to pay any sums to the local authority (for the purposes of Part II of this Act) under an agreement for the provision by that authority of a public air-raid shelter for the use, in whole or in part, of persons working or living in the premises, subsections (2) to (5) of this section shall apply as if those sums were expenses incurred in executing works in pursuance of a notice duly served by the occupier under the preceding provisions of this Part of this Act (not being a notice cancelled on appeal), and as if the date of the conclusion of the agreement were the date of the completion of the works.