



War Damage to Land (Scotland) Act 1939

1939 CHAPTER 80 2 and 3 Geo 6

4 Power to modify contracts on occurrence of war damage.

(1) Where war damage occurs—

- (a) to any land comprised in a disposition, or in a lease or in a heritable security; or
- (b) to any land the proprietor whereof is under obligation to pay the rents and revenues in whole or in part to any other person or to pay to any other person out of such rents and revenues any sum, periodic or otherwise (not being a sum in respect of a loan secured by a heritable security);

it shall be lawful for any person having a right or interest under such disposition, lease or heritable security, or for the proprietor under such obligation, to apply to the court, and on any such application the court may modify or suspend any term (express or implied according to law) of the disposition, lease or heritable security or of the obligation, or of any deed or instrument bearing reference to such disposition, lease, heritable security or obligation, or in the case of a feu or a lease may pronounce a decree of declarator of irritancy thereof, or in the case of a contract of ground annual pronounce a decree of adjudication of the land out of which the ground annual is payable, according as in all the circumstances of the case shall seem just.

(2) Where a decree of declarator of irritancy of the feu is pronounced in pursuance of the foregoing provisions of this section, the recording of an extract of such decree in the appropriate register of sasines shall have the like force and effect as if the decree were one of declarator of irritancy *ob non solutem canonem*; and where a decree of adjudication is pronounced in pursuance of the said provisions against the proprietor of land out of which a ground annual is payable, the recording of an extract of such decree in the appropriate register of sasines shall have the like force and effect as if the decree were one pronounced under sub-section (5) of section twenty-three of the ^{M1}Conveyancing (Scotland) Act 1924.

(3) Any decree pronounced by the court in virtue of the provisions of this section (other than a decree of irritancy or of adjudication) shall be open to review by the court from time to time on any application made to it for that purpose by any party interested.

Changes to legislation: There are currently no known outstanding effects for the War Damage to Land (Scotland) Act 1939, Section 4. (See end of Document for details)

Modifications etc. (not altering text)

C1 S. 4 restricted by War Damage to [Land \(Scotland\) Act 1941 \(c. 40\)](#), **s. 3(1)**

Marginal Citations

M1 1924 c. 27.

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