



# Landlord and Tenant (Requisitioned Land) Act 1942

1942 CHAPTER 13 5 and 6 Geo 6

## 2 Effect of notice of disclaimer.

- (1) Where a notice of disclaimer has been served, and the court has not decided under the foregoing section that it is of no effect, the notice shall become effective subject to any order of the court under this section, at the expiration of one month from the service of the notice or, if an application has been made to the court under subsection (3) of the foregoing section, of such further period (if any) as the court may allow.
- (2) Where a notice of disclaimer has become effective, the lease disclaimed shall be deemed to have been surrendered as from the material date and all interests in or derived out of the term created by the lease disclaimed shall be deemed to have been extinguished as from the said date.
- (3) Where [<sup>F1</sup>an agricultural holding as defined by section one of the <sup>M1</sup>Agricultural Holdings Act 1948] is disclaimed under this Act, the tenancy shall, for the purposes of [<sup>F2</sup>sections fifty-six to fifty-nine and subsection (2) of section seventy of that Act] be deemed to terminate at the date on which the notice of disclaimer becomes effective in accordance with subsection (1) of this section.
- (4) Where a notice of disclaimer has been served under this Act, the court may—
  - (a) on the application of any person having a mortgage or charge in respect of the term created by the lease disclaimed, vest the lease in that person on such term as the court thinks just, which may include adaptations or modifications of the terms of the lease;
  - (b) on the application of the landlord or the tenant, make such adaptations or modifications as the court thinks just of any term of the lease relating to repairing obligations and, in particular, require the tenant to pay such sum as it thinks just in respect of any dilapidations which have already occurred and for which the tenant is liable or would (but for the disclaimer) become liable;
  - (c) on the application of the landlord or the tenant, make such adaptations and modifications as it thinks just of any term of the lease imposing any liability on either party which will take effect on the surrender of the lease;

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**Changes to legislation:** There are currently no known outstanding effects for the Landlord and Tenant (Requisitioned Land) Act 1942, Section 2. (See end of Document for details)

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and any such application may be made at any time before the notice of disclaimer becomes effective.

- (5) Within seven days from the service of a notice of disclaimer, the tenant shall serve upon any person having a mortgage or charge in respect of the term created by the lease disclaimed a copy of the notice of disclaimer and the name and address of the landlord, and if he fails to do so, he shall be liable to make good to any such person any damage suffered by that person by reason of the failure.

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**Textual Amendments**

**F1** Words substituted by virtue of [Agricultural Holdings Act 1948 \(c. 63\), s. 96\(2\)](#)

**F2** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

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**Marginal Citations**

**M1** [1948 c. 63.](#)

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