



Landlord and Tenant (Requisitioned Land) Act 1942

1942 CHAPTER 13 5 and 6 Geo 6

5 Provisions in case where tenant is abroad.

- (1) Where possession of land comprised in a lease has been taken on behalf of His Majesty in the exercise of emergency powers and the tenant was outside the United Kingdom for the whole or the greater part of the period of three months from the material date, and the court is satisfied, on an application made on behalf of the tenant or made by the tenant within a reasonable time after his return to the United Kingdom, that it was not reasonably practicable for him to exercise his rights under the provisions of this Act relating to disclaimer within the said period, or to give the necessary authority for the exercise of those rights on his behalf within the said period, the court may, if it thinks fit, extend the period for the exercise of those rights.
- (2) Where possession of land comprised in a lease has been taken as aforesaid, and the tenant was outside the United Kingdom at the material date, or left the United Kingdom shortly after the material date without having a reasonable opportunity to exercise or secure the exercise of his rights under the provisions of this Act relating to disclaimer, and the court is satisfied, on an application made by any other person while the tenant remains outside the United Kingdom,—
 - (a) that it is not reasonably practicable to obtain instructions from the tenant as to the exercise of the said rights; and
 - (b) that the applicant is a proper person to exercise those rights on behalf of the tenant;the court may, if it thinks fit, direct that those rights may be exercised by the applicant on behalf of the tenant and may, if necessary, extend the period for the exercise thereof.
- (3) Where the court extends under this section the period for exercising the rights of any tenant, the court may, if it thinks fit, direct that, if the lease is disclaimed, the surrender thereof shall, instead of taking effect as from the material date, take effect as from such later date as the court may direct.

Changes to legislation:

There are currently no known outstanding effects for the Landlord and Tenant (Requisitioned Land) Act 1942, Section 5.