Landlord and Tenant (War Damage) Act (Northern Ireland) 1941

1941 CHAPTER 9

NOTICES OF RETENTION AND NOTICES TO AVOID DISCLAIMER

12 Recurrence of war damage after service of notice.

(1) Where land comprised in a lease has been rendered unfit by war damage, and further war damage occurs to the land before it has been rendered fit and after notice of retention has been or is deemed to have been served, or notice to avoid disclaimer has been served, in respect of the lease, the tenant or the landlord, as the case may be, may apply to the court for leave to withdraw the notice.

(2) On any such application the court shall grant leave to withdraw the notice if it is satisfied that the liability of the tenant or the landlord, as the case may be, in respect of repairs under the lease as modified in pursuance of the notice has been materially increased by the further war damage.

(3) As from the date on which the notice is withdrawn—

(a) any notice to elect served on the tenant or notice of disclaimer served on the landlord before that date shall be of no effect; and

(b) the lease shall have effect as if the notice withdrawn had never been served, or been deemed to have been served:

Provided that nothing in this sub-section shall, unless the court having regard to all the circumstances of the case otherwise determines, impose on the tenant a liability for rent under the lease in respect of any period before that date.

(4) In this section the expression “rent” has the same meaning as it has in the two last foregoing sections.

Changes to legislation:
There are currently no known outstanding effects for the Landlord and Tenant (War Damage) Act (Northern Ireland) 1941, Section 12.