



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

1941 CHAPTER 9

NOTICES AFFECTING LEASEHOLDS

5 Period for complying with notice to elect or serving notice to avoid disclaimer.

- (1) The period allowed under this Act—
- (a) within which a tenant upon whom a notice to elect has been served must comply therewith; and
 - (b) within which a landlord upon whom a notice of disclaimer has been served by a tenant may serve on the tenant a notice to avoid disclaimer;

shall, unless it is extended or abridged under this Part of this Act, be a period of one month from the date when the notice to elect or the notice of disclaimer, as the case may be, was served.

- (2) If, in the case of a notice to elect,—
- (a) the tenant on whom it is served, or his predecessor in title, has granted an under-lease which comprises the land to which the notice relates or any part thereof; and
 - (b) the said tenant, before the expiration of a period of fourteen days from the service of the notice, serves a notice to elect on the tenant under that under-lease (hereafter in this section referred to as “the sub-tenant”) and informs the landlord in writing that such a notice has been served;

the said period of one month shall—

- (i) in a case where the sub-tenant complies with the notice to elect within the period allowed under this Act, and the said period of one month expires before the expiration of a period of seven days from the date when he complies with the notice, be extended until the expiration of those seven days; and
- (ii) in a case where the sub-tenant fails to comply with the notice to elect within the period so allowed, and the said period of one month expires before the expiration of a period of seven days from the end of the period so allowed, be extended until the expiration of those seven days.

Changes to legislation: There are currently no known outstanding effects for the Landlord and Tenant (War Damage) Act (Northern Ireland) 1941, Section 5. (See end of Document for details)

- (3) If, in the case of a notice of disclaimer, the landlord on whom it is served—
- (a) is himself a tenant of the land to which the notice relates under a superior lease; and
 - (b) before the expiration of a period of fourteen days from the service of the notice, serves on his landlord (hereafter in this sub-section referred to as “the superior landlord”) a notice of disclaimer in respect of that superior lease and informs his tenant in writing that such a notice has been served;
- the said period of one month shall—
- (i) in a case where the superior landlord serves on the landlord within the period allowed under this Act a notice to avoid disclaimer, and the said period of one month expires before the expiration of a period of seven days from the date when that notice was served, be extended until the expiration of those seven days; and
 - (ii) in a case where no such notice is served by the superior landlord within the period allowed under this Act, and the said period of one month expires before the expiration of a period of seven days from the end of the period so allowed, be extended until the expiration of those seven days.
- (4) Any period mentioned in this section may be extended or abridged by the court, on such terms as it thinks fit, on the application of any person affected by the extension or abridgment.
- (5) An application to the court under the last foregoing sub-section for the extension of any such period may be made at any time whether before or after the expiration of that period, but where it is made after the expiration of the period, the court shall not extend the period unless it is satisfied that the interests of persons affected by the extension other than the applicant will be adequately protected by the terms imposed by the court or on the terms of an agreement or otherwise.

Changes to legislation:

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