



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

1941 CHAPTER 9

NOTICES OF DISCLAIMER

9 Power of court to modify effect of notice of disclaimer.

- (1) On an application duly made under this section, the court shall have power to modify the operation of a notice of disclaimer as stated in the last foregoing section as follows:
- (a) by varying the date on which sub-section (2) of that section takes effect or the date as from which any lease or sub-lease is deemed to have been surrendered or any interest therein is deemed to have been extinguished;
 - (b) by excepting from the operation of that section, on such terms as the court thinks just, any sub-lease and any interest therein which would otherwise be deemed to have been surrendered or extinguished;
 - (c) by vesting on such terms as the court thinks just the lease disclaimed, or any sub-lease which would otherwise be deemed to have been surrendered, in any person having an interest in the lease or sub-lease other than the tenant thereunder;
 - (d) by imposing such terms and making such orders as to the removal of fixtures and otherwise as the court thinks just.
- (2) The terms imposed by the court under paragraph (b) or paragraph (c) of the last foregoing sub-section may include such alterations as the court thinks just of the terms of the lease or sub-lease in question.
- (3) An application under this section may be made by any person—
- (a) having an interest in or derived out of the tenancy created by the lease disclaimed; or
 - (b) having an interest in the reversion;
- at any time within the period allowed under this Act for serving a notice to avoid disclaimer.

Changes to legislation: *There are currently no known outstanding effects for the Landlord and Tenant (War Damage) Act (Northern Ireland) 1941, Section 9. (See end of Document for details)*

- (4) Unless the court otherwise directs, no application under this section and no order of the court thereon shall prejudice the right of a landlord to serve a notice to avoid disclaimer within the period allowed by this Act.

Changes to legislation:

There are currently no known outstanding effects for the Landlord and Tenant (War Damage) Act (Northern Ireland) 1941, Section 9.