



# Landlord and Tenant (Requisitioned Land) Act 1942

1942 CHAPTER 13 5 and 6 Geo 6

## 13 Interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“business” includes trade and profession;

“emergency powers” has the same meaning as in the <sup>M1</sup>Compensation (Defence) Act 1939, and any reference to the exercise of emergency powers shall be construed as a reference to their exercise during the period beginning with the twenty-fourth day of August, nineteen hundred and thirty-nine, and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of the Compensation (Defence) Act 1939, came to an end;

“exercise” includes purported exercise;

“land” includes (without prejudice to any of the provisions of section three of the Interpretation Act, 1889) land covered with water, and parts of houses and buildings;

“landlord”, in relation to a lease, means the person who under the lease is, as between himself and the tenant, for the time being entitled to the rents and profits of the demised premises payable under the lease, and, in a case where the reversion immediately expectant on the lease is mortgaged and the mortgagee is in possession thereof or has appointed a receiver of the rents and profits thereof, means that mortgagee;

“lease” means a lease, under-lease or other tenancy, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, tenancy or assignment;

“material date”, in relation to any occasion on which possession of the land or any part of the land comprised in a lease has been taken on behalf of His Majesty in the exercise of emergency powers, means—

- (a) where the occasion was before the passing of this Act, the date of the passing of this Act;

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**Changes to legislation:** There are currently no known outstanding effects for the Landlord and Tenant (Requisitioned Land) Act 1942, Section 13. (See end of Document for details)

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(b) in any other case, the date on which the land or part of the land was so taken; “member of the family”, in relation to any tenant, means the wife or husband of the tenant, [<sup>F1</sup>the civil partner of the tenant,]<sup>F1</sup> or any parent or child of the tenant as defined by [<sup>F2</sup>subsections (3) and (4) of section one of the <sup>M2</sup>Fatal Accidents Act 1976], and also includes any other relative who is being wholly or mainly maintained by the tenant;

“multiple lease” means a lease comprising land which, at the date when possession thereof was taken on behalf of His Majesty in the exercise of emergency powers, was used or adapted for use as two or more separate tenements;

“rent” includes any periodical sum payable by the tenant to the landlord in connection with his tenancy (whether under the lease or otherwise) in respect of lighting, heating, board, furniture or other services; and any reference to the rent payable under a lease shall be construed as including a reference to any such sum as aforesaid;

“tenant”, in relation to a lease, means the person for the time being entitled to the term created by the lease, except that, in a case where a lease is held by a trustee, the first reference in subsection (1) of section one of this Act to the tenant shall include a reference to the person beneficially entitled to the term created by the lease or to the proceeds of sale thereof.

- (2) For the purposes of this Act, premises used as a lodging-house or apartment-house shall be deemed to be used for the purposes of a business, but, save as aforesaid, the sub-letting in separate tenements of land comprised in a lease, whether or not services are provided for the sub-tenants, shall not be deemed to be the use of the land for the purposes of a business.
- (3) Any reference in this Act to the authority by whom possession of any land is taken in the exercise of emergency powers shall, in a case where the exercise of those powers has been delegated to any person, be construed as a reference to that person.
- (4) Where possession of any land comprised in a lease has been taken on behalf of His Majesty in the exercise of emergency powers and has thereafter been given up, the taking of possession of the land as aforesaid on a subsequent occasion shall not be deemed to revive any right to serve a notice of disclaimer in respect of the earlier occasion, and any reference in this Act to the taking of possession of the land shall, in relation to a notice of disclaimer served in respect of the subsequent occasion, be construed as a reference to the taking of possession on that occasion.

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#### Textual Amendments

- F1** Words in s. 13(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, [Sch. 27 para. 10](#); [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F2** Words substituted by virtue of [Fatal Accidents Act 1976 \(c. 30\)](#), [Sch. 1 para. 1](#)
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#### Modifications etc. (not altering text)

- C1** The text of the definition of “land” which is spent is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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#### Marginal Citations

- M1** [1939 c. 75](#).

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**Changes to legislation:** There are currently no known outstanding effects for the Landlord and Tenant (Requisitioned Land) Act 1942, Section 13. (See end of Document for details)

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**M2** 1976 c. 30.

**Changes to legislation:**

There are currently no known outstanding effects for the Landlord and Tenant (Requisitioned Land) Act 1942, Section 13.