



Landlord and Tenant (Requisitioned Land) Act 1942

1942 CHAPTER 13

7 Adjustment of rights as to certain buildings and fixtures

- (1) Where possession of any land comprised in a lease has been taken on behalf of His Majesty in the exercise of emergency powers and—
- (a) the tenant has a right, as between him and his landlord, to remove, either during the currency of the lease or after the termination thereof, any building or fixtures annexed to the land ; and
 - (b) the lease comes to an end (whether as the result of disclaimer under this Act or otherwise) before possession of the land so taken has been given up, or within such a short period thereafter as not to give the tenant a reasonable opportunity for exercising his right;

the said right may be exercised within a reasonable time after such possession has been given up or, with the consent of the authority by whom possession was so taken, at any earlier time.

- (2) The foregoing subsection shall not apply to any building or fixture which is annexed to a holding within the meaning of the Agricultural Holdings Act, 1923, and is a building or fixture to which section twenty-two of that Act applies, but that section shall have effect, in any such case as is mentioned in the last foregoing subsection, as if the reference in that section to a reasonable time after the termination of the tenancy were construed as a reference to a reasonable time after possession of the land taken in the exercise of emergency powers has been given up.
- (3) The tenant of any land of which possession has been taken as aforesaid may recover from the person entitled to the compensation payable in respect of the land under paragraph (a) or paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, such part (if any) of the compensation payable under the said paragraph (a) as may be agreed by the tenant and the said person, or in default of agreement, as may be determined by the court, to be attributable to the use during any period after the termination of the lease of any building or fixtures removable by the tenant, and such part of the compensation payable under the said paragraph (b)

Status: This is the original version (as it was originally enacted).

as may be so agreed or determined to be attributable to damage to any such building or fixtures.

- (4) Where the tenant of any land is entitled under the foregoing provisions of this section to remove any building or fixtures within a reasonable time after possession of the land is given up as aforesaid, the person who, when possession is so given up, is entitled to occupy the land, shall, if the tenant has served on him a notice requesting to be informed when possession is so, given up and specifying the address to which the information is to be sent, serve a notice accordingly giving that information, and the period within which the tenant may remove the building or fixtures shall extend to a reasonable time after the service of the notice by the said person.
- (5) This section shall extend to any case where the lease has come to an end before the date of the passing of this Act but possession of the land comprised therein is still retained as aforesaid at the said date, and shall, in relation to any such lease, be deemed to have been in force at the termination thereof.