



Landlord and Tenant (War Damage) Act 1939

1939 CHAPTER 72 2 and 3 Geo 6

PART II

DISCLAIMER AND RETENTION OF LEASES

Notices affecting leaseholds

6 Determination of disputes as to unfitness of premises.

- (1) Where a notice of disclaimer ^{F1} . . . is served—
 - (a) any person having an interest in or derived out of the term created by the lease to which the notice relates; or
 - (b) any person having an interest in the reversion immediately expectant on the determination of that lease;may, at any time within one month from the service of the notice, apply to the court to determine whether the notice is of no effect on the ground that the land comprised in the lease was not unfit by reason of war damage at the time when the notice was served.
- (2) Within one month from the service of a notice to elect on a tenant, he may serve on the landlord a notice (hereafter in this section referred to as a “counter-notice”)—
 - (a) claiming that the notice to elect is of no effect on the ground that the land to which it relates was not unfit by reason of war damage at the time when the notice was served; and
 - (b) stating the effect of the next following subsection.
- (3) Where a counter-notice is served, the notice to elect shall be of no effect unless the court, on the application of the landlord made within fourteen days from the service of the counter-notice, determines that the land in question was unfit by reason of war damage at the time when the notice to elect was served.

Changes to legislation: There are currently no known outstanding effects for the Landlord and Tenant (War Damage) Act 1939, Section 6. (See end of Document for details)

- (4) If on any application made under this section ^{F1} . . . the court determines that the land in question was unfit by reason of war damage at the time when the notice of disclaimer or notice to elect was served, the period allowed under this Act within which a notice to avoid disclaimer may be served by the landlord, or the notice to elect is to be complied with by the tenant, as the case may be, may be extended to such date as the court may fix.
- (5) Unless it is decided by the court on an application made under this section that a notice of disclaimer ^{F1} . . . or a notice to elect is of no effect on the ground that the land to which it relates was not unfit by reason of war damage at the time when the notice was served, the land shall be deemed for the purpose of any proceedings pursuant to the notice to have been unfit by reason of war damage at that time.

Textual Amendments

- F1** Words in s. 6(1)(4)(5) inserted by Landlord and Tenant (War Damage) (Amendment) Act 1941 (c. 41) and repealed (8.11.1995) by 1995 c. 44, s. 1, Sch. 1 Pt. VI Group 1

Changes to legislation:

There are currently no known outstanding effects for the Landlord and Tenant (War Damage) Act 1939, Section 6.