

THE MONTHLY LEASES (TERMINATION) ACT (1946)

[Repealed by the Law for the Repeal of Laws (19 February 1992)]

Burma Act XLIX, 1946
23 December 1941

Whereas it is expedient to provide for the termination of certain leases from month to month of immovable property which cannot be enjoyed by reason of enemy occupation of Burma;

it is hereby enacted as follows:

1. (1) This Act may be called the Monthly Leases (Termination) Act,
- (2) It shall be deemed to have come into force with effect from the twenty-third day of December, 1941.

2. This Act shall apply only to leases of immovable property from month to month:

Provided that nothing herein contained shall affect any leases of immovable property which have been determined at any time after the twenty of December, 1941, by or under the provisions of any other law for the time being in force, or by agreement between the parties.

3. In this Act:

(a) “enemy” means any State or Sovereign of a State which is at war with His Britannic Majesty:

(b) “lease” includes a sub-lease: and

(c) “lessee” includes a “ sub-lessee.

4. Notwithstanding anything contained in any law for the time being in force, if a lessee ceases to occupy or be in possession of an immovable property by reason of the occupation by the enemy of the place where the immovable property which is the subject of a lease is situate, the lease of such immovable property shall be deemed to have been determined with effect from the end of the month in which the lessee so ceased to occupy or be in possession of the property.

5. On the determination of a lease under the provisions of this Act the following consequences shall ensue:

(a) The lessee shall be absolved from all liability for payment from the date on which the lease is deemed under the provisions of this Act to have been determined,

- (b) The less or shall be deemed to have been put into possession of the property leased within the meaning of clause (q) of section 108 of the Transfer of Property Act,
- (c) Except in regard to the payment of such arrears of rent be outstanding, if any, all rights and liabilities of the lessee under the lease or under the provisions of the Transfer of Property Act shall cease and determine, and
- (d) Any person in possession of the property after the determination of the lease, except with the consent of the less or his agent shall be deemed to be a trespasser.