

THE MONTHLY LEASES (TERMINATION) ACT, 1946.

[BURMA ACT NO. XLIX OF 1946.]

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 ;

AND WHEREAS by Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, in the Legislature or in either Chamber thereof ;

NOW, THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows :—

1. (1) This Act may be called the Monthly Leases (Termination) Act, 1946.

Short title and commencement.

(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 :
Application of Act.

Provided that nothing herein contained shall affect any leases of immovable property which have been determined at any time after the twenty-third day 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,—

Definition.

(a) " enemy " means any State or Sovereign of a State which is at war with His 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 :—

Consequences ensuing on termination.

- (a) The lessee shall be absolved from all liability for payment of rent from the date on which the lease is deemed under the provisions of this Act to have been determined,
- (b) The lessor 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 as may 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 lessor or his agent, shall be deemed to be a trespasser.

G.B.C.P.O.—No. 162, Home Dept., 6-2-1947—1,500—II.

Price,—One anna.]