CHAPTER 18.

An Act to give to courts in connection with the present war further powers of granting relief. A.D. 1916.

[1st June 1916.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of principal Act as to mortgagees and companies. 4 & 5 Geo. 5. c. 78.

1.—(1) In subsection (1) of section one of the Courts (Emergency Powers) Act, 1914 (hereinafter referred to as the principal Act)—

(*a*) the expression "enter into possession" shall include the appointment of a receiver of mortgaged property; and

(*b*) the provisions relating to foreclosure shall extend to the institution of proceedings for foreclosure or for sale in lieu of foreclosure; and

(*c*) the expression "a mortgagee in possession" shall include a mortgagee who before the passing of the principal Act appointed a receiver who is still in possession or receipt of the rents and profits of the mortgaged property, but shall not include a mortgagee of property other than land or some interest in land, except in any case where the power of sale had arisen and notice of intended sale had been given prior to the fourth day of August nineteen hundred and fourteen.

(2) Where a petition has, whether before or after the passing of this Act, been presented for the winding up of any company, the court shall have the like discretion as to staying

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proceedings under the petition as by subsection (3) of section one of the principal Act is conferred on courts having jurisdiction in bankruptcy in relation to bankruptcy proceedings.

(3) This section shall have effect as from the twenty-fifth day of May nineteen hundred and sixteen, and shall be deemed to have been in operation as from that date.

Power of county court to remove restrictions imposed by 5 & 6 Geo. 5. c. 97, s. 1 (2).

2.—(1) A county court may authorise the grant of a new lease for a term of twenty-one years or upwards of a dwelling-house to which the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, applies, in consideration for which a fine, premium, or other like sum, in addition to the rent, is required, if the court is satisfied that the terms of the tenancy are on the whole not less favourable to the tenant than the terms on which the dwelling-house was previously let, and in such cases subsection (2) of section one of the said Act shall not apply.

(2) This section shall be construed as one with the said Act.

Power to court to suspend period for prescription running in certain cases.

3. Where on the application of a person entitled to build on any site it is proved to the satisfaction of such court as may be provided by rules or directions under the principal Act—

(*a*) that that person is prevented from erecting a building on the site by reason of circumstances attributable directly or indirectly to the present war, or that in the opinion of the Treasury or of the Minister of Munitions it is desirable in the national interests that he should not erect such a building during the present war; and

(*b*) that in consequence of the delay in erecting such building there is danger of a right to light being acquired by prescription in respect of any adjoining or neighbouring premises,

the court may in its absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order declare that a period, commencing at such date not earlier than the twenty-fifth day of May nineteen hundred and sixteen and ending at such date not later than six months after the termination of the present war as may be fixed by the court, shall be excluded in computing the period of the enjoyment of light required for the purpose of obtaining a prescriptive right whether under the Prescription Act, 1832, or otherwise.

2 & 3 Will. 4. c. 71.

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Short title, construction and extent.

4.—(1) This Act may be cited as the Courts (Emergency Powers) (No. 2) Act, 1916, and save as otherwise expressly provided shall be construed as one with the principal Act, and the Courts (Emergency Powers) Acts, 1914 and 1916, and this Act may be cited together as the Courts (Emergency Powers) Acts, 1914 to 1916.

(2) Subsection (1) of section one and sections two and three of this Act shall not apply to Scotland.

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