

130. Disclaimer of lease

- (1) A lease may be disclaimed without the leave of the court in any of the following cases—
 - (a) where the bankrupt has not sublet the demised premises or any part thereof or created a mortgage or charge upon the lease, and—
 - (i) the rent reserved or the value of the property leased, as ascertained by the assessment, is less than \$360,000 per annum; or (*L.N. 77 of 1998*)
 - (ii) the trustee serves the lessor with notice of his intention to disclaim, and the lessor does not within 7 days after the receipt of such notice give notice to the trustee requiring the matter to be brought before the court;
 - (b) where the bankrupt has sublet the demised premises or created a mortgage or charge upon the lease, and the trustee serves the lessor and the sub-lessee or the persons entitled to the mortgage or charge with notice of his intention to disclaim, and neither the lessor nor the sub-lessee or the persons entitled to the mortgage or charge or any of them, within 14 days after the receipt of such notice, require or requires the matter to be brought before the court.
- (2) Except as provided by this rule, the disclaimer of a lease without the leave of the court shall be void.
- (3) Where a trustee disclaims a lease, he shall forthwith file the disclaimer with the proceedings in the court and shall also, if the lease is registered in the Land Registry, register a memorial of such disclaimer in the Land Registry, and the disclaimer shall contain particulars of the interest disclaimed and a statement of the persons to whom notice of the disclaimer has been given. Until the disclaimer is so filed, or, as the case may be, filed and registered, by the trustee, the disclaimer shall be inoperative. (*8 of 1993 s. 30; 20 of 2002 s. 5*)
- (4) Where, in pursuance of notice by the trustee of his intention to disclaim a lease, the lessor, sub-lessee, or person entitled to a mortgage or charge requires the trustee to apply to the court for leave to disclaim, the costs of the lessor, sub-lessee, or person entitled to a mortgage or charge shall not be allowed out of the estate of the bankrupt except in cases in which the court is satisfied that such application was necessary in order to do justice between the parties.
- (5) A disclaimer made without leave of the court under this rule shall not be void or otherwise affected on the ground only that the notice required by this rule has not been given to some person who claims to be interested in the demised property.
- (6) Where any person claims to be interested in any part of the property of the bankrupt burdened with onerous covenants, he shall, at the request of the trustee, furnish a statement of the interest so claimed by him. (*L.N. 77 of 1998*)

(*G.N.A. 124 of 1955; G.N. 231 of 1984*)