

RENT RESTRICTION BILL.

EXPLANATORY MEMORANDUM.

CLAUSE 2: This clause continues until 31st August, 1925, the operation of Part I of the War Legislation Amendment Act, 1916 (which, unless its operation is extended as proposed, will expire on 31st July, 1924).

Clause 3: This clause renders inoperative any agreement between a landlord and tenant by which the tenant purports to contract himself out of the protection of the Act.

Clause 4: By section 6 of the War Legislation Amendment Act, 1916, the "standard rent," computed for a period of a year, can be fixed at 8 per centum of the capital value as on 3rd August, 1914, only in cases where the standard rent as originally fixed (that is, by reference to the rent then actually payable) is less than 8 per centum of such capital value. This provision is construed to involve the ascertainment of the rent payable on 3rd August, 1914, and in some cases this information is not readily accessible. It is proposed by the clause to enable the landlord, at his option, to elect to fix the standard rent in the first instance either by reference to the rent actually payable as aforesaid or at 8 per centum of the then capital value. This provision does not affect the jurisdiction of the Magistrate, on application made under section 20 of the Housing Amendment Act, 1920, to increase the standard rent so as to allow a net return of 7 per centum of the capital value as on 3rd August, 1914.

Clause 5: There are certain cases where, by reason of changes in ownership or tenancy, it is difficult to ascertain the rent that was payable in respect of a dwellinghouse on 3rd August, 1914. This clause provides for the facts being ascertained by a Stipendiary Magistrate who, if he cannot ascertain the facts, may fix the standard rent by reference to the capital value.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
25th July, 1924.

Hon. Mr. Anderson.

RENT RESTRICTION.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Further extension of duration of law relating to restriction of rent. Repeal.</p> <p>3. Covenant to exclude application to any dwellinghouse of Part I of War Legislation Amendment Act, 1916, to be void.</p>	<p>4. At option of landlord, standard rent for a period of one year may be 8 per centum of capital value as on 3rd August, 1914. Consequential repeal.</p> <p>5. Where rent payable on 3rd August, 1914, cannot be ascertained, standard rent may be fixed by reference to capital value.</p>
---	---

A BILL INTITLED

AN ACT to amend Part I of the War Legislation Amendment Act, 1916 (relating to the Restriction of Rent), and to continue its Operation. Title.

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Rent Restriction Act, 1924, and shall be read together with and deemed part of Part I of the War Legislation Amendment Act, 1916. Short Title.

2. (1.) Part I of the War Legislation Amendment Act, 1916, and the several amendments thereof, in so far as those enactments are now in force, shall continue in force until the thirty-first day of August, nineteen hundred and twenty-five, and shall then be deemed to be repealed. Further extension of duration of law relating to restriction of rent.

(2.) The Rent Restriction Continuance Act, 1923, is hereby repealed. Repeal.

3. No covenant, condition, or admission in any agreement, whether made before or after the passing of this Act, shall have any force or effect to exclude the application to any dwellinghouse of Part I of the War Legislation Amendment Act, 1916, or to estop any person from applying to a Stipendiary Magistrate to determine the capital value of any dwellinghouse, or to oust the jurisdiction of a Stipendiary Magistrate to determine, on application made in that behalf, the capital value of any dwellinghouse. Covenant to exclude application to any dwellinghouse of Part I of War Legislation Amendment Act, 1916, to be void.

4. (1.) Section six of the War Legislation Amendment Act, 1916, is hereby amended by repealing the proviso to paragraph (a) and substituting the following proviso:— At option of landlord, standard rent for a period of one year may be 8 per centum of capital value as on 3rd August, 1914.

“ Provided that, in the case of a dwellinghouse let on or before the third day of August, nineteen hundred and fourteen, the standard rent may, at the option of the landlord, be either the standard rent as hereinbefore defined or an amount which, computed for a period of one year, is equal to eight per centum 5 of the capital value of the dwellinghouse, as such, immediately before the said date.”

Consequential
repeal.

(2.) Subsection one of section twenty of the War Legislation Act, 1917, is hereby repealed.

Where rent payable
on 3rd August,
1914, cannot be
ascertained,
standard rent may
be fixed by
reference to
capital value.

5. (1.) If, in the case of a dwellinghouse let on or before the 10 third day of August, nineteen hundred and fourteen, any doubt arises as to the rent at which it was let on that date, or, where the dwellinghouse was not let on that date, as to the rent at which it was last let before that date, the matter shall be determined by a Stipendiary Magistrate on application in that behalf made by the 15 landlord or the tenant or by an Inspector of Factories on behalf of the tenant.

(2.) If on the hearing of such application, sufficient evidence of the facts is not adduced to enable the Magistrate to ascertain the rent payable as aforesaid, the Magistrate may proceed to fix the 20 capital value of the dwellinghouse as such immediately before the said third day of August, nineteen hundred and fourteen, as if application in that behalf had been made under section seven of the War Legislation Amendment Act, 1916, and in such case the standard 25 rent, within the meaning of section six of the said Act as amended by the foregoing provisions of this Act, shall be fixed by reference to such capital value.