

TENANCY BILL

EXPLANATORY MEMORANDUM

1. This Bill is a consolidation, with amendments, of the Fair Rents Act, 1936, and Part III of the Economic Stabilization Emergency Regulations 1942 (Serial number 1944/36—Reprint) and their various amendments.

2. Part II (as to rent restriction) relates to dwellinghouses and to all leased properties, whether urban or agricultural, except that the definition of the term “property” in clause 2 has been amended so as to exclude agricultural properties leased for not less than two years and so subject to Part III of the Servicemen’s Settlement and Land Sales Act, 1943. This Part prohibits any increase in rent above the basic rent, or above the fair rent if a fair rent has been fixed.

3. Part III, which relates to dwellinghouses and urban properties (but not to agricultural properties), relates to the right of a landlord to recover possession from a tenant.

4. Part IV repeats the provisions of Part II of the Fair Rents Amendment Act, 1947, as to the compulsory letting of unoccupied houses.

5. Part V contains miscellaneous provisions.

6. The main alterations of the existing law are referred to below :—

Interpretation

Clause 2 : The definition of the term “rent”, to include money’s worth, is new. The Court for fixing the fair rent of licensed premises is defined as the Land Sales Court or the Land Valuation Court.

Rents Officers

Clause 5 : This clause provides for the appointment of Rents Officers, to exercise the functions of Inspectors of Factories under the Fair Rents Act, 1936, and of authorized persons under the revoked regulations.

Basic Rent

Clause 6 : Subclause (2), which prevents the original basic rent from being affected by including furniture in the tenancy, &c., is extended to apply to all properties, and subclauses (4) and (7), restoring the original basic rent and deeming any existing higher rent to be a fair rent in the case of properties other than dwellinghouses, are new.

Fair Rent

Clause 8 : Subclause (2), enabling the Court to fix the fair rent payable by the landlord where he is himself a tenant, is new.

Clause 9 : Subclauses (3) and (4) are new, providing for the fair rent of licensed premises not to exceed the basic rent under the Servicemen’s Settlement and Land Sales Act, 1943, and for the method of determining the fair rents of flats and apartments.

Clause 10 : This clause brings dwellinghouses into line with urban properties by making a fair rent fixed for a dwellinghouse continue in force until superseded, instead of ceasing to have effect at the end of one year or when a new tenant occupies the premises.

Clause 19 : This clause, relating to fines, premiums, &c., has been extended so as to prohibit a landlord or outgoing tenant from receiving from a new tenant any consideration other than—

- (a) The rent :
- (b) The price of any chattels not exceeding the fair selling value, or the replacement cost of stock in trade :
- (c) Such consideration as may be approved by the Land Sales Court or the Land Valuation Court.

Clause 21 : The time within which excess payments of rent may be recovered from the landlord by the tenant, or deducted from current rent, is extended from six months to twelve months.

Recovery of Possession

Clause 24 : Paragraph (f) of subclause (1), enabling possession to be obtained of a dwellinghouse not reasonably required by the tenant, is new, and so is the proviso limiting the duration of paragraph (n). Subclause (3) is also new.

Clause 25 : The new proviso to subclause (1) enables an age-beneficiary who has owned a dwellinghouse for two years and any other landlord who has owned a dwellinghouse for five years to obtain possession of it for his own occupation without having to provide alternative accommodation or prove *greater* hardship, although the *relative* hardship of landlord and tenant will still be taken into account.

Clauses 26 and 27 : These clauses are new, giving a landlord a right to apply to the Court for an order for the recovery of excess land for building purposes, or for an order authorizing him to convert a dwellinghouse into flats, one to be let to the existing tenant.

Clause 28 : Subclause (6) provides that the special protection of servicemen and their families will expire on 31st March, 1949, or one year after the serviceman's discharge or death, whichever is the later.

Clause 30, subclause (1) : The period of the restrictions on the letting or sale of premises when possession is recovered for the landlord's own occupation is extended from six months to two years.

Clause 31 : This clause is new. It makes it an offence for a landlord to evict a tenant without an order of a Court or the tenant's consent.

Miscellaneous

Clause 41 : Subclause (2) is new. It preserves a tenancy for the wife or husband of the tenant in cases of separation or desertion. Subclause (1) is extended to the family of a deceased tenant.

Clause 43 : This clause is new. It provides the conditions to be implied in tenancies of dwellinghouses in the absence of express agreement in writing to the contrary, for the conditions on which a tenant of any dwellinghouse or property holds the premises after the expiry or termination of his tenancy, and for the acceptance of rent without waiving a notice to quit.

Clause 44 : This clause is new, requiring every landlord to give a detailed receipt to the tenant for every payment on account of rent.

Clause 48 : Paragraph (b) is new. It enables a short-term tenancy of the landlord's home during his temporary absence to be excluded from the Act by prior agreement approved by a Rents Officer.

Clauses 50 and 51 : These clauses, relating to unauthorized occupiers, are new.

Clause 52 : Paragraph (e) of subclause (1) is new, making it an offence for a landlord to deprive the tenant of his amenities, as by cutting off electric power, gas, or water.

7. References to the corresponding provisions of the repealed Acts and Regulations are given in the marginal notes to each clause of the Bill. Tables follow which show the clause of the Bill corresponding to each repealed provision.

TABLE OF CORRESPONDING PROVISIONS OF ENACTMENTS REPEALED

FAIR RENTS ACT, 1936 (No. 14)						
Section of Act.		Clause of Bill.	Section of Act.			Clause of Bill.
1 ..	..	.. 1	14 ..	..	..	29
2 ..	..	.. 2	15 ..	..	..	30
3 ..	..	.. Repealed	16 ..	..	..	18
4 ..	..	.. 3	17 ..	..	..	45
5 ..	..	.. Repealed	18 ..	..	..	12
6 ..	..	.. 8	19 ..	..	..	13
7 ..	..	.. 9	20 ..	..	..	15
8 ..	..	.. 10	21 ..	..	..	16, 47
9 ..	..	.. 11	22 ..	..	..	22
10 ..	..	.. 21	23 ..	..	..	52
11 ..	..	.. Repealed	24 ..	..	..	53
12 ..	..	.. 23, 46	25 ..	..	..	..
13 ..	..	.. 24	26 ..	..	..	4

STATUTES AMENDMENT ACT, 1936 (No. 58)						
Section of Act.						Clause of Bill.
25 ..	..	..	..	..	..	16

FAIR RENTS AMENDMENT ACT, 1937 (No. 2)						
Section of Act.						Clause of Bill.
2 ..	..	..	..	..	..	Repealed
3 ..	..	..	..	..	..	Repealed
4 ..	..	..	..	..	..	24

FINANCE ACT, 1937 (No. 17)						
Section of Act.						Clause of Bill.
63 ..	..	..	..	..	..	25

STATUTES AMENDMENT ACT, 1938 (No. 20)						
Section of Act.						Clause of Bill.
18 ..	..	..	..	..	..	Repealed
19 ..	..	..	..	..	..	43 (1) (c)

FAIR RENTS AMENDMENT ACT, 1939 (No. 43)						
Section of Act.		Clause of Bill.	Section of Act.			Clause of Bill.
2 ..	..	.. Repealed	6 ..	..	..	Repealed
3 ..	..	.. Repealed	7 (1)	..	..	24
4 ..	..	.. Repealed	(2)	..	..	25
5 ..	..	.. 2	8 ..	..	..	53

STATUTES AMENDMENT ACT, 1940 (No. 18)

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
9 ..	.. Repealed	10 ..	.. 2

FAIR RENTS AMENDMENT ACT, 1942 (No. 19)

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
2 ..	.. ..	6 ..	.. 2
3 ..	.. 2	7 ..	.. 40
4 (1)	.. 6	8 ..	.. 42
(2) (3)	.. 7	9 ..	.. 49
5 (1)	.. 9	10 (1)	.. 2
(2)	.. ..	(2)-(5)	.. 28

STATUTES AMENDMENT ACT, 1943 (No. 20)

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
12 ..	.. 41	13 ..	.. 28

STATUTES AMENDMENT ACT, 1945 (No. 40)

Section of Act.	Clause of Bill.
25 ..	.. 48

FAIR RENTS AMENDMENT ACT, 1947 (No. 62)

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
2 ..	.. 6	11 ..	.. 2
3 ..	.. 17	12 ..	.. 25
4 (1)	.. 8 (8)	13 ..	.. 28
(2)	.. 12 (2)	14 ..	.. 32
5 ..	.. 22	15 ..	.. 33
6 (1)	.. 19	16 ..	.. 34
(2)	.. 21	17 ..	.. 35
7 ..	.. 24	18 ..	.. 36
8 (1)	.. 24	19 ..	.. 37
(2), (3)	.. 30	20 ..	.. 46
9 ..	.. 40	21 ..	.. 38
10 ..	.. 2	22 ..	.. 39

TABLE OF CORRESPONDING PROVISIONS OF REGULATIONS REVOKED

ECONOMIC STABILIZATION EMERGENCY REGULATIONS 1942, PART III (1942/335)

Regulation.	Clause of Bill.	Regulation.	Clause of Bill.
11 ..	.. 3	16 ..	.. 9
12 ..	.. 2	17 ..	.. 10
13 ..	.. 5	18 ..	.. 11
14 ..	.. 6, 7	19 ..	.. 21
15 ..	.. 8	20 ..	.. 19, 20, 21

ECONOMIC STABILIZATION EMERGENCY REGULATIONS 1942, PART III
(1942/335)—*continued*

Regulation.	Clause of Bill.	Regulation.	Clause of Bill.
21 .. ..	.. 2, 12	23 .. ..	.. 15
21A .. ..	.. 23, 46	24 .. ..	.. 16, 47
21B .. ..	.. 24, 25	25 .. ..	.. 17
21C .. ..	.. 29	26 .. ..	.. 22
21D .. ..	.. 30	27 .. ..	.. ..
21E .. ..	.. 40	28 .. ..	.. ..
22 .. ..	.. 13	29 .. ..	.. ..
22A .. ..	.. 14	30 .. ..	.. ..

ECONOMIC STABILIZATION EMERGENCY REGULATIONS 1942, AMENDMENT No. 1 (1943/38)

Regulation.	Clause of Bill.
2 .. ..	.. 2

ECONOMIC STABILIZATION EMERGENCY REGULATIONS 1942, AMENDMENT No. 9 (1946/184)

Regulation.	Clause of Bill.
2 .. ..	.. 2
3 .. ..	.. 23, 24, 25, 29, 30, 40, 46
4 .. ..	.. Revoked.

ECONOMIC STABILIZATION EMERGENCY REGULATIONS 1942, AMENDMENT No. 10 (1946/208)

Regulation.	Clause of Bill.	Regulation.	Clause of Bill.
3	14	4	15

ECONOMIC STABILIZATION EMERGENCY REGULATIONS 1942, AMENDMENT No. 13 (1948/64)

Regulation.	Clause of Bill.	Regulation.	Clause of Bill.
2 .. ..	.. 8, 12	5 .. ..	.. ..
3 .. ..	.. 19, 20, 21	6 .. ..	.. ..
4 .. ..	.. 17		

[AS REPORTED FROM THE LABOUR BILLS COMMITTEE]

House of Representatives, 30th November, 1948

Hon. Mr. McLagan

TENANCY

ANALYSIS

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|---|--|
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| 1. Short Title. | 14. Appeal to Court of Appeal in respect of certain properties. |
| 2. Interpretation. | 15. Decisions of Court to be final. |
| 3. Act to bind the Crown. | <i>Miscellaneous</i> |
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| 4. Act to be administered by Labour Department. | 18. Restrictions on right of landlord to distrain for rent of dwellinghouse. |
| 5. Rents Officers. | 19. No fine or premium to be chargeable for tenancy or renewal or transfer. |
| PART II | 20. Premiums permitted in certain cases. |
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| <i>Fair Rent</i> | 23. Notice to be given by landlord before commencing proceedings for recovery of possession. |
| 8. Court may fix fair rent. | 24. Limiting grounds for recovery of possession. |
| 9. Considerations to be taken into account in fixing fair rent. | 25. Alternative accommodation to be provided in certain cases. |
| 10. Duration of order fixing the fair rent. | 26. Recovery of excess land for building purposes. |
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A BILL INTITULED

AN ACT to Consolidate and Amend Certain Enactments
Relating to Tenancies of Dwellinghouses and Other
Properties.

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

Short Title.

1. This Act may be cited as the Tenancy Act, 1948.

Interpretation.

2. (1) In this Act, unless the context otherwise requires,—

1936, No. 14, s. 2
1939, No. 43,
ss. 3, 5
1940, No. 18,
s. 10
1942, No. 19,
ss. 6, 10 (1)
1947, No. 62,
ss. 10, 11

“Agricultural purposes” has a meaning corresponding to the term “agriculture”, which for the purposes of this definition means the cultivation of the soil for the production of food products or other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry: 15

Serial numbers
1944/36,
Regs. 12, 21 (1)
1946/184, Reg. 2

“The Court” means—

(a) A Magistrate's Court where a dwellinghouse is concerned, or where a property (not being licensed premises) is concerned of which the basic rent does not exceed an annual rent of five hundred and twenty-five pounds, and 20

in any other case where the parties agree in writing that a Magistrate's Court shall have jurisdiction:

5 (b) The Supreme Court where a property (not being licensed premises) is concerned of which the basic rent exceeds an annual rent of five hundred and twenty-five pounds, and in any other case where the parties agree in writing that the Supreme Court shall have jurisdiction:

10 (c) The Land Sales Court or the Land Valuation Court where any licensed premises are concerned:

15 "Dependant", in relation to a serviceman, includes his father, mother, stepfather, stepmother, mother-in-law, brother, or sister of the whole or half blood, or child (including a stepchild or illegitimate child) who is or, within 20 two years from the date of an application for an order to which subsection *one* of section *twenty-four* of this Act relates, has been wholly or partially dependent on the serviceman, whether before or after he became a serviceman. In the case of a serviceman who 25 has died every person shall, for the purposes of this Act, be deemed to be a dependant of that serviceman who would be a dependant if the serviceman were alive:

30 "Dwellinghouse" means any building or part of a building let as a separate dwelling; and includes any furniture or other chattels that may be let therewith; and also includes any land, outbuildings, or parts of buildings included in the tenancy; but does not 35 include—

(a) Any licensed premises; or

(b) Any premises that include more than three acres of land where the tenant's income or a substantial part thereof is derived from the use of that land for agricultural purposes:

40 "Licensed premises" has the same meaning as in the Licensing Act, 1908:

See Reprint
of Statutes,
Vol. IV, p. 234

1943, No. 16

“ Property ” means any land or interest in land or any building or part of a building let for any purposes under a separate tenancy; and includes any chattels that may be let therewith; but does not include any dwellinghouse; and does not include any property (not being an urban property) that is let with the consent of the Land Sales Court or the Land Valuation Court under Part III of the Servicemen’s Settlement and Land Sales Act, 1943: 5 10

“ Rent ” includes any valuable consideration in money or money’s worth that is part of or in substitution for any rent:

“ Rents Officer ” means a Rents Officer appointed under this Act: 15

1941, No. 25

“ Serviceman ” means a serviceman within the meaning of Part I of the Rehabilitation Act, 1941; and includes a discharged serviceman within the meaning of that Part:

“ Urban property ” means any property as hereinbefore defined that is not used exclusively or principally for agricultural purposes. 20

(2) Where two or more properties are for the time being let under the same tenancy they shall for the purposes of this Act be deemed to be one property. 25

(3) The application of this Act to any dwellinghouse shall not be excluded by reason only that part of the premises is used as a shop or office or for business, trade, or professional purposes.

(4) Where any person is granted or two or more persons are jointly or severally granted the right to occupy for residential purposes any part of a building, whether or not any services are provided for that person or those persons, and whether or not that person has or those persons have a right to the use, in common with any other person, of any other part of the building, then for the purposes of this Act the premises shall be deemed to be let to that person or those persons as a separate dwelling, and where several amounts are payable by two or more persons the total of those amounts shall be deemed to be the rent of the premises. 30 35 40

(5) No person who occupies any premises by virtue of a contract of service with the person from whom he holds the premises, and no person claiming through or under any such employed person, shall be deemed by virtue of the *last preceding* subsection to be a tenant of the premises. 45

(6) Where any premises that form part of any building are let to a tenant as a separate dwelling or are deemed by virtue of subsection *four* of this section to be so let, and the landlord provides for the tenant any meals or food, the application of this Act to the premises as a dwellinghouse shall be excluded if the value of the meals or food or the cost thereof to the landlord (whichever is the less) forms a substantial proportion of the total amount payable by the tenant to the landlord as rent or otherwise in respect of the tenancy, but shall not in any other case be excluded by reason of the provision of the meals or food.

3. This Act shall bind the Crown.

Act to bind the Crown.
1936, No. 14, s. 4
Serial number 1944/36, Reg. 11

PART I

ADMINISTRATION

15

4. (1) This Act shall be administered by the Department of Labour established under the Labour Department Act, 1908.

Act to be administered by Labour Department.

(2) Section two of the Labour Department Amendment Act, 1936, shall apply in all respects as if this Act were one of the Acts specified in the First Schedule thereto.

1936, No. 14, s. 26

See Reprint of Statutes, Vol. VIII, p. 1175

1936, No. 4

5. (1) There may from time to time be appointed, as officers of the Public Service, such Rents Officers as may be required for the purposes of this Act.

Rents Officers.
Cf. Serial number 1944/36, Reg. 13

(2) Every Inspector of Factories appointed under the Factories Act, 1946, shall be deemed to have been appointed to be a Rents Officer under this Act.

1946, No. 43

PART II

RENT RESTRICTION

30

Basic Rent

6. (1) For the purposes of this Act the expression "basic rent" means,—

Basic rent.
1942,

(a) In relation to a dwellinghouse let as such or to a property let on the first day of September, nineteen hundred and forty-two, the rent payable as on that date:

No. 19, s. 4 (1)
1947,
No. 62, s. 2
Serial number 1944/36,
Reg. 14 (1)

35

(b) In relation to a dwellinghouse that was not let as such on that date or to a property that was not let on that date, the rent that was last payable before that date or, in the case of a dwellinghouse first let as such after that date or of a property first let after that date, the rent first payable in respect thereof: 5

Provided that where pursuant to any agreement made before the first day of September, nineteen hundred and forty-two, a greater or less rent is payable in respect of any property for any period after that date, the basic rent for any such period shall be the rent so payable for that period. 10

(2) For the purpose of defining the basic rent a dwellinghouse or property shall be deemed to be and always to have been the same dwellinghouse or property, whether or not any furniture or chattels are let therewith, and whether or not the tenant has the right to the use in common with any other person of any other premises or, as the case may be, of any other part of the premises of which the dwellinghouse or property forms part. 15 20

(3) Where immediately before the twenty-seventh day of November, nineteen hundred and forty-seven, any dwellinghouse had a basic rent that was different from its first basic rent determined in accordance with section four of the Fair Rents Amendment Act, 1942, that first basic rent shall be deemed to have been restored on that date, and the basic rent in force immediately before that date shall be deemed to have ceased to be the basic rent, but shall be deemed to have been duly fixed as the fair rent of the dwellinghouse by order of a Magistrate under section six of the Fair Rents Act, 1936, and if that fair rent is in force at the commencement of this Act it shall continue in force in accordance with section ten of this Act. 25 30 35

(4) Where immediately before the commencement of this Act any property had a basic rent that is different from its first basic rent determined in accordance with regulation fourteen of the Economic Stabilization Emergency Regulations 1942, the first basic rent shall be deemed to be restored, and the basic rent in force at the commencement of this Act shall cease to 40

1942 No. 19

1936, No. 14

Serial number
1944/36
(Reprint)

be the basic rent, but shall, subject to section *ten* of this Act, be deemed to be the fair rent of the property as if it had been fixed under this Part of this Act on the date of the commencement of this Act.

5 (5) The basic rent of any dwellinghouse or property as determined in accordance with this section shall be the basic rent for the purposes of every subletting of the dwellinghouse or property.

10 (6) Where on the twenty-seventh day of November, nineteen hundred and forty-seven, any dwellinghouse was sublet at a rent in excess of the basic rent, that rent shall be deemed to have been duly fixed as the fair rent of the dwellinghouse by order of a Magistrate under section six 1936, No. 14 of the Fair Rents Act, 1936, and if that fair rent is in force at the commencement of this Act it shall continue 15 in force in accordance with section *ten* of this Act.

(7) Where at the commencement of this Act any property is sublet at a rent in excess of the basic rent, that rent shall, subject to section *ten* of this 20 Act, be deemed to be the fair rent of the property as if it had been fixed under this Part of this Act on the date of the commencement of this Act.

7. (1) Notwithstanding anything to the contrary in any agreement, no rent in excess of the basic rent of any dwellinghouse or property shall be recoverable 25 or lawfully payable.

(2) Nothing in this section shall be deemed to render irrecoverable or unlawful any rent payable in respect of any dwellinghouse or property for any period if a fair rent has been fixed in accordance with this Part of 30 this Act in respect of the premises for that period, and the rent charged does not exceed the fair rent so fixed.

Fair Rent

8. (1) On application in that behalf made by or on behalf of either the landlord or the tenant of any 35 dwellinghouse or property, the Court may at any time and from time to time make an order fixing the fair rent of the premises.

(2) Where the landlord of the premises in respect of which any such application is made holds the premises 40 as tenant the Court may on the same application make an order fixing the fair rent payable by him to the head landlord, for which purposes the head landlord shall first be made a party to the proceedings.

Restriction on raising rent.

1942, No. 19, s. 4 (2), (3)

Serial number 1944/36,

Reg. 14 (2), (3)

Court may fix fair rent.

1936, No. 14, s. 6

1947, No. 62, s. 4 (1)

Serial numbers 1944/36,

Reg. 15 (1) to (6)

1948/64, Reg. 2

(3) Every order made under this section shall take effect on a date to be specified therein in that behalf, being not earlier in any case than the date of the application:

Provided that if the fair rent fixed by the order exceeds the rent for the time being payable under the tenancy, the order fixing the fair rent shall not take effect before the expiration of fourteen days after the date on which the order is made. 5

(4) If the fair rent so fixed exceeds the rent for the time being payable under the tenancy, the rent payable in respect of any period during which the order is in force may be increased by the landlord to an amount not exceeding the fair rent. 10

(5) If the fair rent so fixed is less than the rent for the time being payable under the tenancy, the landlord shall, as from the date on which the order takes effect, reduce the rent to an amount not exceeding the fair rent. 15

(6) Notwithstanding anything in the foregoing provisions of this section, the Court, if it thinks it fair and equitable so to do, may make an order for the refund or remission by the landlord to the tenant of the whole or any part of the rent in excess of the fair rent that may have been paid or that may be payable by the tenant in respect of any period within the six months immediately preceding the date on which the order fixing the fair rent takes effect: 20 25

Provided that nothing in the foregoing provisions of this subsection shall apply to any rent paid or payable in respect of any period for which a fair rent has been fixed under this Part of this Act. 30

(7) An order may be made under this section on the application of the prospective landlord of any dwellinghouse or property, notwithstanding that the premises are not for the time being let. 35

(8) A Rents Officer may appear and be heard, adduce evidence, and examine and cross-examine witnesses on any application under this section.

Considerations
to be taken into
account in fixing
fair rent.

1936, No. 14, s. 7
1942, No. 19, s. 5

Serial number
1944/36, Reg. 16
1948, No. 38

9. (1) On the hearing of any application to fix the fair rent of any dwellinghouse or property (not being licensed premises), the Court shall have regard to the general purpose of the Economic Stabilization Act, 1948, and after taking into consideration all relevant matters (including in the case of a dwellinghouse, but not in the case of a property, the relative circumstances 40 45

of the landlord and of the tenant), shall, subject to the provisions of any regulations made under this Act, fix as the fair rent such rent as in its opinion it would be fair and equitable for the tenant to pay.

5 (2) Subject to any regulations as aforesaid, the fair rent fixed for any dwellinghouse or property (not being licensed premises) under this section shall not exceed the basic rent unless the Court is satisfied, by evidence
10 produced by the landlord, that in the special circumstances of the case it is fair and equitable that the fair rent should exceed the basic rent.

(3) The fair rent fixed for any licensed premises under this section shall not exceed the basic rent of the premises within the meaning of the Servicemen's
15 Settlement and Land Sales Act, 1943. 1943, No. 16

(4) Where two or more dwellinghouses form part of the same building the fair rent of each dwellinghouse shall be determined as follows:—

20 (a) The fair rent of the whole building shall be apportioned among all the dwellinghouses in proportion to the respective areas of the floor-spaces of the dwellinghouses:

25 (b) The amount so apportioned to each dwellinghouse shall, if necessary, be increased or decreased according to the situation thereof and the amenities and appurtenances forming part thereof and the services attached thereto, so that the total of the increased or decreased
30 amounts do not exceed the fair rent for the whole building, and the resulting amounts shall be the fair rents of the respective dwellinghouses.

35 10. (1) Every order made under this Part of this Act fixing the fair rent of any dwellinghouse or property shall continue in force until a subsequent order fixing the fair rent of the premises takes effect, and shall apply with respect to every separate tenancy of the property:

Duration of order fixing the fair rent.
1936, No. 14, s. 8
Serial number
1944/36, Reg. 17

40 Provided that the Court may if it thinks fit provide in any such order that it shall expire on a date specified in that behalf in the order, unless a subsequent order fixing the fair rent of the premises sooner takes effect.

(2) All orders fixing the fair rents of any premises that were made under any enactment repealed or
45 revoked by this Act, and are subsisting or in force at

the commencement of this Act, shall, notwithstanding that they were made for a fixed period, continue in force beyond that period, but subject to this section, as if they had been made under this Part of this Act.

Rent in excess
of fair rent to
be irrecoverable.
1936, No. 14, s. 9
Serial number
1944/36, Reg. 18

11. Where an order has been made under this Part of this Act fixing the fair rent of any dwellinghouse or property, no rent in excess of the fair rent shall be recoverable or lawfully payable for any period during which the order is in force. 5

Procedure

Procedure on
applications to
fix fair rent.
1936,
No. 14 s. 18
1947,
No. 62, s. 4 (2)
Serial numbers
1944/36,
Regs. 15 (7), 21
(2), (3), (4)
1948/64,
Reg. 2 (2)

12. (1) Any application to fix the fair rent of any dwellinghouse or property made to the Court by or on behalf of the landlord or the tenant may be made by motion or otherwise in accordance with rules of Court, with notice to the tenant or the landlord of the premises, as the case may be, and to such other persons as the Court considers entitled thereto. 15

(2) Notice of every such application shall, at least seven clear days before the day fixed for the hearing, be posted or delivered by or on behalf of the applicant to the office of the Rents Officer nearest to the Court in which the application is made. 20

(3) Unless the parties otherwise agree, every such application shall be made and heard in the office or registry of the Court nearest to the place where the premises to which the application relates are situated: 25

Provided that during the absence of a Judge or Magistrate, or during the inability of a Judge or Magistrate to act from any cause whatsoever, the Registrar of the Court shall have authority and jurisdiction to order that any such application shall be heard at some other place. 30

(4) Any application under this Part of this Act may be disposed of in Chambers.

Costs.
1936,
No. 14, s. 19
Serial number
1944/36, Reg. 22

13. No party to any proceedings on an application made under this Part of this Act (including an appeal to the Court of Appeal under the *next succeeding* section) shall be liable to pay the costs of any other party to the proceedings unless the Court makes an order for the payment by any party of such costs on the ground that in its opinion the conduct of that party has been for the purpose of causing delay or has in any other respect been vexatious, or on the ground that it is desirable for any other special reason to make such an order. 35 40

14. Where the Supreme Court has, whether before or after the commencement of this Act, made an order fixing the fair rent of any property, and the fair rent so fixed or the basic rent of the property exceeds an annual
5 rent of five hundred and twenty-five pounds, any party to the proceedings may appeal to the Court of Appeal in accordance with the regular procedure of the Court of Appeal.
15. Except as provided in the *last preceding* section, no appeal shall lie from any decision, determination, or order made under this Part of this Act; and, except upon the ground of lack of jurisdiction, no such decision, determination, or order shall be liable to be challenged, reviewed, quashed, or called in question in any Court.

Appeal to Court of Appeal in respect of certain properties.

Serial numbers 1944/36, Reg. 22A 1946/208, Reg. 3

Decisions of Court to be final. 1936, No. 14, s. 20
Serial numbers 1944/36, Reg. 23 1946/208, Reg. 4

15 *Miscellaneous*

16. (1) The landlord and the tenant of any dwelling-house or property, by agreement in writing approved for the purposes of this Act by a Rents Officer may fix the fair rent of the premises, and the fair rent so
20 fixed shall, while the agreement remains in force, be deemed for the purposes of this Part of this Act to be the fair rent of the premises as if it had been fixed by order made by the Court under this Part of this Act:
- 25 Provided that this subsection shall not apply to any licensed premises.
- (2) Any such agreement shall be exempt from stamp duty.

Fair rent fixed by agreement with approval of Rents Officer.

1936, No. 14, s. 21 1936, No. 58, s. 25
Serial number 1944/36, Reg. 24

17. (1) Where any dwellinghouse or property was
30 let on the first day of September, nineteen hundred and forty-two, or at any time between that date and the commencement of this Act, or is let at any time after the commencement of this Act, the landlord shall keep or cause to be kept in accordance with this section a register (hereinafter referred to as a tenancy register)
35 showing in respect of each tenancy of the premises the following particulars :—
- (a) The description of the premises :
- (b) The name of each tenant, with the date of the commencement of his tenancy and (where the
40 tenancy has ended) the date of the termination thereof :

Tenancy registers to be kept by landlords. 1947, No. 62, s. 3
Serial numbers 1944/36, Reg. 25 1948/64, Reg. 4

- (c) The rent payable by each tenant and the date and particulars of any alteration thereof :
- (d) The basic rent of the premises :
- (e) Any fair rent deemed to be the fair rent of the premises under section *six* of this Act: 5
- (f) Every fair rent fixed for the premises in respect of any period wholly or partly after the first day of September, nineteen hundred and forty-two, and the dates on which it takes effect and ceases to have effect. 10
- (2) Every tenancy register shall be completed as far as possible forthwith after the commencement of this Act or the commencement of the tenancy, whichever is the later, and any further entry required by this section to be made therein shall be made as soon as possible 15 after the occurrence to which it relates.
- (3) Every entry in a tenancy register shall be admissible in evidence.
- (4) Every landlord shall, upon demand, produce every tenancy register required to be kept by him to the Court or to a Rents Officer, or allow it to be inspected by any tenant of the premises or his solicitor. 20
- (5) Where any person purchases or acquires or otherwise becomes entitled to the estate or interest of the landlord of any dwellinghouse or property that has 25 been let as mentioned in subsection *one* of this section, it shall be the duty of the old landlord or his personal representatives, or the person transferring the estate or interest, to transfer the tenancy register to the new landlord, and it shall be the duty of the new landlord 30 to acquire the register accordingly and to comply with the provisions of this section in respect thereof as from the date from which he becomes entitled to that estate or interest.
- (6) Where any dwellinghouse or property that has 35 been let as mentioned in subsection *one* of this section ceases to be let, the provisions of this section shall continue to apply to the landlord or his successor in title for the time being as if he were still a landlord.
- (7) Every person who fails to comply in any respect 40 with the provisions of this section, or *knowingly* makes or causes to be made in any tenancy register any false entry, commits an offence against this Act.

(8) It shall not be necessary for a tenancy register to be kept in respect of any dwellinghouse or property let by or on behalf of the Crown, but in every such case a memorandum showing the particulars specified in subsection *one* of this section shall be prepared on application by the tenant, and subsections *three* and *four* of this section shall apply to every such memorandum as if it were a tenancy register.

10 18. (1) Except with the leave of a Magistrate's Court, no person shall be entitled to distrain for any rent due in respect of any dwellinghouse.

Restrictions on right of landlord to distrain for rent of dwellinghouse. 1936, No. 14, s. 16

(2) An application under this section for leave to distrain may be made *ex parte* by the landlord, but before hearing any such application the Court may direct that notice be served by the landlord on the tenant.

20 19. (1) Every person commits an offence against this Act who stipulates for or demands or accepts, for himself or for any other person, any bonus, fine, premium, or other consideration (not being commission lawfully payable to a land agent) in consideration of obtaining or offering to obtain or doing anything for the purpose of obtaining any dwellinghouse or property for the occupation of any other person.

No fine or premium to be chargeable for tenancy or renewal or transfer. 1947, No. 62, s. 6 (1) Serial numbers 1944/36, Reg. 20 (1) 1948/64, Reg. 3

25 (2) Every person, being the landlord of any dwellinghouse or property or acting on behalf of the landlord, commits an offence against this Act who,—

30 (a) In consideration of or on the occasion of the grant, renewal, termination, or continuance of a tenancy of the premises, stipulates for or demands or accepts, whether from the tenant or from any outgoing tenant or incoming tenant, any consideration other than the rent:

35 (b) In consideration of or on the occasion of the transfer of a tenancy of the premises (whether directly, or by means of the creation of a new tenancy, or otherwise), or in consideration of or on the occasion of the sale or transfer of any business carried on in the premises, in a case to which Part III of the Servicemen's Settlement and Land Sales Act, 1943, does not apply, stipulates for or demands or accepts from the new tenant or any other person any consideration other than—

1943, No. 16

45 (i) The rent;

(ii) The price of any chattels, not being in excess of the fair selling value thereof or, in the case of stock in trade, of the replacement cost thereof; and

(iii) Such consideration (if any) as may be previously approved for the purposes of this section by the Land Sales Court or the Land Valuation Court. 5

(3) Every person, not being the landlord of the premises concerned and not acting on behalf of the landlord, commits an offence against this Act who, in consideration of or on the occasion of the transfer of a tenancy of any dwellinghouse or property (whether directly, or by means of the creation of a new tenancy, or otherwise), or in consideration of or on the occasion of the sale or transfer of any business carried on in the premises, in a case to which Part III of the Servicemen's Settlement and Land Sales Act, 1943, does not apply, stipulates for or demands or accepts, for himself or for any other person, from the new tenant or any other person, any consideration other than— 10 15 20

(i) The price of any chattels, not being in excess of the fair selling value thereof or, in the case of stock in trade, of the replacement cost thereof; and 25

(ii) Such consideration (if any) as may be previously approved for the purposes of this section by the Land Sales Court or the Land Valuation Court.

(4) The provisions of the Servicemen's Settlement and Land Sales Act, 1943, shall, so far as they are applicable and with the necessary modifications, apply to every application for the approval of the Land Sales Court or the Land Valuation Court under this section as if it were an application for the consent of that Court under Part III of that Act. 30 35

(5) Every person commits an offence against this Act who stipulates for or demands or accepts, for himself or for any other person, as a condition of the tenancy or the transfer of the tenancy of any dwellinghouse or property, payment for the furniture or fixtures, or other effects of the premises, or for any other chattels, of any sum in excess of the fair selling value thereof. 40

1943, No. 16

Ibid.

20. Where a premium was paid in consideration of the grant of a lease of any property executed before the fifteenth day of December, nineteen hundred and forty-two, the following provisions shall apply:—

- 5 (a) Subject to paragraph(b) of this section, the *last preceding* section shall not be deemed to prohibit the payment of a premium in consideration of any renewal or successive renewals of the lease, or in consideration of
- 10 the grant of a new lease or successive new leases of the same premises:
- (b) The amount of the premium paid in respect of any such lease, renewal, or new lease shall be taken into account in ascertaining the
- 15 rent payable thereunder as if the premium were part of the rent and accrued from day to day throughout the term of the lease, renewal, or new lease, as the case may be.

21. Where any sum that by virtue of this Part of this Act is irrecoverable has at any time been paid on account of the rent of any dwellinghouse or property, or any sum has at any time been paid in contravention of section *nineteen* of this Act, the sum so paid may
- 25 ment be recovered by or on behalf of the person by whom it was paid as a debt due to him by the person who received the payment; and, without prejudice to any other mode of recovery, where the person who made the payment is the tenant of the person who received it,
- 30 the sum so paid may be deducted by the tenant from any rent payable by him to the landlord within the said period of twelve months.

22. Every person commits an offence against this Act who—

- 35 (a) By any threat endeavours to dissuade or prevent a tenant from making or prosecuting any application or proceedings under this Part of this Act :
- (b) Stipulates for or demands or accepts, for
- 40 himself or for any other person on account of the rent of any dwellinghouse or property, any sum that is irrecoverable by virtue of this Part of this Act.

Premiums permitted in certain cases.
Serial numbers 1944/36, Reg. 20 (2) 1948/64, Reg. 3

Recovery by tenant of excess rent and other unlawful payments.
1936, No. 14, s. 10
1947, No. 62, s. 6 (2)
Serial numbers 1944/36, Regs. 19, 20 (3) 1948/64, Reg. 3

Offences.
1936, No. 14, s. 22
1947, No. 62, s. 5
Serial numbers 1944/36, Reg. 26
1948/64, Reg. 5

PART III

RECOVERY OF POSSESSION

Notice to be given by landlord before commencing proceedings for recovery of possession.
1936,
No. 14, s. 12
Serial numbers
1944/36,
Reg. 21A
1946/184,
Reg. 3

23. (1) No proceedings for the recovery by the landlord of possession of any dwellinghouse or urban property, or for the ejection of the tenant therefrom, on any ground other than the grounds specified in paragraphs (b) and (c) of subsection *one* of the *next succeeding* section, shall be commenced in any Court unless notice in writing of his intention to commence the proceedings has been given by the landlord to the tenant at least fourteen days before the commencement of the proceedings :

Provided that where the tenancy has been duly determined by notice in writing given not less than fourteen days before that determination the foregoing provisions of this section shall not apply.

(2) Every notice under this section shall contain an address for service, and shall be signed by the landlord or by some duly authorized attorney or agent of the landlord, and shall be given in accordance with section *forty-six* of this Act.

Limiting grounds for recovery of possession.
1936,
No. 14, s. 13
1937, No. 2, s. 4
1939,
No. 43, s. 7 (1)
1947,
No. 62, ss. 7,
8 (1)
Serial numbers
1944/36,
Reg. 21B(1),(2)
1946/184, Reg. 3

24. (1) An order for the recovery of possession of any dwellinghouse or urban property, or for the ejection of the tenant therefrom, may, subject to the provisions of this part of this Act, be made on one or more of the grounds following, but shall not be made on any other ground:—

- (a) That the tenant has failed to pay the rent lawfully payable in respect of the premises, or has failed to perform or comply with any other conditions of the tenancy:
- (b) That the tenant has failed to take reasonable care of the premises or has committed waste:
- (c) That the tenant has been guilty of conduct that is a nuisance or annoyance to adjoining or neighbouring occupiers:
- (d) That the tenant by subletting the premises or any part thereof is making a profit which, having regard to the rent paid by the tenant, is unreasonable:

- (e) In the case of an urban property, that possession is required only of a part of the premises in excess of the reasonable requirements of the tenant:
- 5 (f) In the case of a dwellinghouse, that the premises are not reasonably required for occupation as a dwellinghouse by the tenant:
- (g) In the case of a dwellinghouse, that the premises are reasonably required by the landlord or by
10 one or more of several joint landlords for his or their own occupation as a dwellinghouse:
- (h) In the case of an urban property, that the premises are reasonably required by the land-
15 lord or by one or more of several joint landlords for his or their own occupation:
- (i) In the case of a dwellinghouse, that the premises are reasonably required for occupation as a
20 dwellinghouse by any person in the regular employment of the landlord; or, where the premises are occupied by a tenant who was employed by the landlord but the contract of service has been terminated, that the premises are reasonably required for occupation as a
25 dwellinghouse by any person in the regular employment of the landlord or intended to be regularly employed by the landlord:
- (j) That the estate or interest of the landlord in the premises will have expired or been deter-
30 mined not later than three months after the date of the application for the order:
- (k) In the case of a dwellinghouse, that an agree-
35 ment for the sale of the premises has been duly entered into, and that the premises are reasonably required by the purchaser or by one or more of several joint purchasers for his or their own occupation as a dwellinghouse:
- (l) In the case of an urban property, that an
40 agreement for the sale of the premises has been duly entered into, and that the premises are reasonably required by the purchaser or by one or more of several joint purchasers for his or their own occupation:

- (m) That the premises are reasonably required by the landlord for demolition or reconstruction:
- (n) In the case of a dwellinghouse, that the premises are reasonably required for occupation as a dwellinghouse by a serviceman, and that that serviceman occupied the premises as a dwellinghouse until he vacated them for the purpose of serving as a serviceman, whether or not his wife or any of his dependants continued to occupy the premises for any period thereafter: 5

Provided that this paragraph shall not apply to any serviceman after the thirty-first day of March, nineteen hundred and forty-nine, or the expiration of one year after the serviceman ceased to render full-time service as such or died on such service, whichever is the later. 15

(2) On the hearing by any Court of any application for an order to which the *last preceding* subsection relates, the Court shall take into consideration the hardship that would be caused to the tenant or any other person by the grant of the application and the hardship that would be caused to the landlord or any other person by the refusal of the application, and all other relevant matters; and may in its discretion refuse the application, notwithstanding that any one or more of the grounds mentioned in subsection *one* of this section may have been established. 20 25

(3) On the hearing by any Court of an application for an order to which subsection *one* of this section relates in respect of a dwellinghouse where the tenant was employed by the landlord but the contract of service has been terminated, the Court shall in assessing the relative degrees of hardship under the *last preceding* subsection or under subsection *one* of section *twenty-five* of this Act have regard to the circumstances in which the tenant became the tenant of the dwellinghouse and the circumstances in which the contract of service was terminated. 30 35 40

25. (1) An order to which subsection *one* of the *last preceding* section relates shall not be made by any Court on the grounds specified in paragraph (*g*), or in paragraph (*h*), or in paragraph (*i*), or in paragraph (*j*) of that subsection unless the Court is satisfied either—
- 5 (a) That suitable alternative accommodation is available for the tenant or will be available for him when the order takes effect; or
- 10 (b) That the hardship caused to the landlord or any other person by the refusal of the Court to make an order for possession or ejection would exceed the hardship caused to the tenant or any other person by the making of such an order:
- 15 Provided that this subsection shall not apply to any application for an order in respect of any dwellinghouse on the ground specified in paragraph (*g*) of subsection *one* of the *last preceding* section made by a landlord who has owned the dwellinghouse throughout the period of
- 20 five years immediately preceding the date of the application or who, being in receipt of an age-benefit under the Social Security Act, 1938, has owned the dwellinghouse throughout the period of two years immediately preceding the date of the application; but nothing in
- 25 this proviso shall be construed to limit the operation of subsection *two* of the *last preceding* section.
- (2) An order to which subsection *one* of the *last preceding* section relates shall not be made by any Court on the grounds specified in paragraph (*k*), or in
- 30 paragraph (*l*), or in paragraph (*m*) of that subsection unless the Court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order takes effect.
- (3) In any proceedings to which this section applies,
- 35 the burden of proving that suitable alternative accommodation is or will be available for the tenant shall be on the applicant for the order; but the Court may accept as sufficient evidence that such accommodation is or will be available a certificate to that effect signed by a Rents
- 40 Officer, or a certificate signed by or on behalf of the owner of any dwellinghouse or urban property that that dwellinghouse or urban property will be available for the tenant in the event of an order being made.

Alternative accommodation to be provided in certain cases.

1937,
No. 17, s. 63
1939,
No. 43, s. 7 (2)
1947, No. 62,
s. 12

Serial numbers
1944/36,
Reg. 21B(3),(4)
1946/184, Reg. 3

1938, No. 7

Recovery of
excess land for
building
purposes.

26. (1) The landlord of any dwellinghouse may apply to the Court for an order authorizing the landlord to re-occupy any land comprised in the premises at any time after the tenancy of that land has been duly determined by notice in writing given not less than 5
fourteen days before that determination.

(2) The Court may in its discretion make an order authorizing the landlord to re-occupy any such land if the landlord proves to the satisfaction of the Court—

(a) That the land that the landlord seeks to re-occupy is in excess of the reasonable requirements of the tenant; 10

(b) That the landlord requires the land for building purposes;

(c) That there will not as the result of making any such order be any contravention of any by-law of a local authority; and 15

(d) That the rent payable by the tenant will be reduced to such amount as the Court considers reasonable in the circumstances, not exceeding 20
the fair rent for the premises left in his occupation.

(3) Section *twenty-nine* of this Act shall apply to any proceedings under this section.

Landlord's
right to
subdivide
dwellinghouse.

27. (1) The landlord of any dwellinghouse may, 25
at any time after the tenancy has been duly determined by notice in writing given not less than fourteen days before that determination, apply to the Court for an order authorizing the landlord to convert the dwelling-
house into two or more separate flats or apartments. 30

(2) The Court may in its discretion make an order accordingly in any such case if the landlord proves to the satisfaction of the Court—

(a) That the tenant will be reasonably able to use a defined portion of the building, being 35
reasonably sufficient for his requirements, during the course of the work of conversion as a residence for himself and the members of his household;

(b) That the rent payable by the tenant during the course of the work will be reduced by an 40
amount that will adequately compensate him for loss of space and for any inconvenience that he may suffer;

(c) That on the completion of the work the landlord will grant to the tenant a new tenancy of one of the dwellinghouses into which the premises are converted, being reasonably sufficient for his requirements, at a rent not exceeding a fair rent thereof fixed in accordance with this Act; and

Struck out

(d) That the landlord has obtained all Government and local authority permits and consents necessary to enable him to carry out the work.

(3) An order made under this section may contain such provisions or conditions as the Court thinks fit, and

New

shall contain such provisions or conditions as the Court deems necessary to ensure that the order shall not take effect until the landlord has obtained all Government and local-authority permits and consents necessary to enable him to carry out the work.

(3A) *Every such order* shall operate as a licence to the landlord until a Rents Officer has certified in writing that the work has been duly completed. Upon the issue of such a certificate the original tenancy shall be deemed to be ended and the new tenancy of the tenant shall commence.

(4) Section *twenty-nine* of this Act shall apply to any proceedings under this section.

28. (1) Where the tenant of a dwellinghouse is a serviceman or the wife or widow of a serviceman, and the landlord is not a serviceman or the wife or widow of a serviceman, then, notwithstanding anything to the contrary in section *twenty-four* of this Act, no order for the recovery of possession of the dwellinghouse or for the ejection of the tenant therefrom shall be made on any ground except one or more of the grounds specified in paragraphs (a), (b), (c), and (n) of subsection *one* of the said section *twenty-four*.

Provided that this subsection shall not apply to any dwellinghouse if the tenant is ordinarily resident in another dwellinghouse.

(2) Where the tenant of any dwellinghouse is a serviceman or the wife or widow of a serviceman or a dependant of a serviceman, and the landlord is a serviceman, nothing in section *twenty-five* of this Act shall apply

Special provisions as to servicemen.
1942, No. 19, s. 10 (2)-(5)
1943, No. 20, s. 13
1947, No. 62, s. 13

to any application for an order for the recovery of possession of the dwellinghouse or for the ejection of the tenant therefrom, on the ground that the premises are reasonably required by the landlord for his own occupation as a dwellinghouse, in any case where the landlord occupied the premises as a dwellinghouse until he vacated them for the purpose of serving as a serviceman, whether or not his wife or any of his dependants continued to occupy the premises for any period thereafter. 5 10

(3) Where the tenant of any dwellinghouse is a serviceman or the wife or widow of a serviceman or a dependant of a serviceman, and the landlord is the wife or widow of a serviceman, nothing in section *twenty-five* of this Act shall apply, after the discharge or death of the last-mentioned serviceman, to any application for an order for the recovery of possession of the dwellinghouse or for the ejection of the tenant therefrom, on the ground that the premises are reasonably required by the landlord for her own occupation as a dwellinghouse, in any case where the landlord occupied the premises as a dwellinghouse until her husband became a serviceman, whether or not she continued to occupy the premises for any period thereafter. 15 20 25

(4) Where the landlord of any dwellinghouse is a serviceman, and the tenant is not a serviceman or the wife or widow of a serviceman or a dependant of a serviceman, nothing in subsection *two* of section *twenty-four* or in section *twenty-five* of this Act shall apply to any application for an order for the recovery of possession of the dwellinghouse or for the ejection of the tenant therefrom, on the ground that the premises are reasonably required by the landlord for his own occupation as a dwellinghouse, in any case where the landlord occupied the premises as a dwellinghouse until he vacated them for the purpose of serving as a serviceman, whether or not his wife or any of his dependants continued to occupy the premises for any period thereafter. 30 35 40

(5) Where the landlord of any dwellinghouse is the wife or widow of a serviceman, and the tenant is not a serviceman or the wife or widow of a serviceman or a dependant of a serviceman, nothing in subsection *two* of section *twenty-four* or in section *twenty-five* of this Act shall apply, after the discharge or death of the first-mentioned serviceman, to any application for an 45

order for the recovery of possession of the dwelling-house or for the ejectment of the tenant therefrom, on the ground that the premises are reasonably required by the landlord for her own occupation as a dwellinghouse, 5 in any case where the landlord occupied the premises as a dwellinghouse until her husband became a serviceman, whether or not she continued to occupy the premises for any period thereafter.

(6) This section shall not apply in favour of any 10 serviceman or the wife or widow of a serviceman or a dependant of a serviceman after the thirty-first day of March, nineteen hundred and forty-nine, or the expiration of one year after the serviceman ceased to render full-time service as such or died on such 15 service, whichever is the later.

29. In any proceedings in any Court for the recovery by the landlord of possession of any dwellinghouse or urban property or for the ejectment of the tenant therefrom, the Court may from time to time, subject to such 20 conditions (if any) as it thinks fit, adjourn the proceedings, or stay or suspend execution of any order or judgment that may have been made or given in the proceedings (whether before or after the commencement of this Act), or postpone the date of possession specified 25 in any such order or judgment, for such period as it thinks fit, or may, subject to such conditions (if any) as it thinks fit, discharge or rescind any such order or judgment.

30. (1) Where an order for possession of any 30 dwellinghouse or urban property or for the ejectment of the tenant therefrom is made upon any of the grounds specified in paragraphs (g), (h), (i), (k), (l), and (n) of subsection one of section twenty-four of this Act, or where possession of any dwellinghouse or urban 35 property is obtained by a representation to the effect that possession is required on any such ground, neither the landlord nor, as the case may be, the employee, purchaser, or serviceman shall let the premises or permit any person other than the landlord, employee, 40 purchaser, or serviceman, as the case may be, and his or her wife or husband, family, and domestic servants to occupy the premises or any part thereof, or shall sell or make any agreement for the sale of the premises or any part thereof, for a period of two years after the date when possession is obtained, unless he has first 45 obtained an authorizing order under subsection four of this section:

Duration of this section.

Power to suspend proceedings for recovery of possession.

1936,
No. 14, s. 14
Serial numbers
1944/36,
Reg. 21c
1946/184, Reg. 3

Restrictions on letting or sale of premises when possession recovered for landlord's own occupation.

1936,
No. 14, s. 15
1947,
No. 62, s. 8
(2), (3)
Serial numbers
1944/36,
Reg. 21b
1946/184, Reg. 3

Provided that in the case of a dwellinghouse that contains more rooms than are reasonably required for the occupation of the landlord, employee, purchaser, or serviceman, as the case may be, and his or her wife or husband, family, and domestic servants, the letting of any rooms that are not so required shall not be deemed to be in contravention of this subsection. 5

(2) If any document purporting to be an agreement is produced for the purpose of obtaining possession of any dwellinghouse or urban property on the ground specified in paragraph (k) or paragraph (l) of subsection *one* of section *twenty-four* of this Act (whether by means of an order of any Court or otherwise) and is in any respect not a genuine agreement binding upon both vendor and purchaser and intended to be carried into full effect according to the tenor thereof, every person who is a signatory or party to the document or who, knowing that the document is not a genuine agreement, is concerned in the production or use thereof, shall be deemed to have committed an offence against this Act. 10 15 20

(3) Every person who does any act in contravention of the provisions of subsection *one* of this section commits an offence against this Act.

(4) An authorizing order for the purposes of subsection *one* of this section may be granted to a person applying therefor— 25

(a) By a Magistrate's Court, if it is proved to the satisfaction of the Court that by reason of circumstances that have arisen since possession was obtained it is just that the applicant should be relieved from the restrictions imposed upon him by this section; or 30

(b) In the case of an urban property, by a Magistrate's Court in any case, or (in the case of an order for possession or ejection) by the Court making the order for possession or ejection, if the authorizing order is required to relate only to a part of the property in excess of the reasonable requirements of the applicant. 35 40

Wrongful
eviction.

31. (1) Every person commits an offence against this Act who obtains possession of any dwellinghouse or urban property except—

(a) Pursuant to an order of a Court of competent jurisdiction; or 45

(b) With the express or implied consent of the tenant.

(2) Nothing in this section shall be construed to affect any right of action by way of civil proceedings on the part of any tenant for wrongful eviction.

PART IV

LETTING OF UNOCCUPIED HOUSES

32. In this Part of the Act, unless the context otherwise requires,—

10 “Board” means the Board of Management of the State Advances Corporation of New Zealand:

“House” means any building or any part of a building that is constructed or adapted for use as a separate dwelling; but does not include—

15 (a) Any dwelling in which the owner or tenant thereof ordinarily resides and which is his permanent home; or

20 (b) Any dwelling that is ordinarily used for holiday purposes only:

“Local Authority” means a City Council, a Borough Council, the Board of a town district not forming part of a county, a County Council, or the Board of a road district in a county in which the Counties Act, 1920, is suspended or is not in force:

25 “Owner”, in relation to any house, means the person who for the time being is entitled to the rack-rent thereof or would be so entitled if the house were let to a tenant at a rack-rent.

30 **33.** (1) Where any local authority is satisfied that any house within the district of the local authority is unoccupied and has for a period of twenty-eight days or more been unoccupied or only occasionally occupied, 35 the local authority, if it deems it necessary having regard to the need for housing accommodation and other relevant considerations, shall cause to be served on the owner of the house a notice in writing requiring him to let the house for immediate occupation as a 40 dwelling, either furnished or unfurnished at the option of the owner.

Interpretation.
1947,
No. 62, s. 14

See Reprint
of Statutes,
Vol. V, p. 180

Local
authorities to
require owners
of unoccupied
houses to let
them.
1947,
No. 62, s. 15

(2) Where the owner of a house has died (whether before or after the commencement of this Act) no notice shall be given under this section in respect of that house until after the expiration of one year from the date of the death of the owner.

5

Appeals from
notices.
1947,
No. 62, s. 16

34. (1) Within twenty-eight days after any notice under the *last preceding* section is served on the owner of any house, the owner or any other person having an estate or interest in the land on which the house is situated may give to the local authority notice of appeal.

10

(2) Every such appeal shall, unless the Court otherwise orders, be heard and determined in the Magistrate's Court nearest to the house concerned before a Magistrate alone, and the Court, for the purposes of hearing and determining the appeal, shall have all the powers vested in it in its ordinary jurisdiction.

15

(3) The procedure for the institution, hearing, and determination of the appeal shall be in accordance with the ordinary procedure of the Court.

20

(4) On any such appeal the Court may award such costs as it deems just either in favour of or against the appellant.

(5) On any such appeal the Court, having regard to all the circumstances of the case, shall give such decision as it deems just and equitable, and may cancel the notice or confirm it, and in the latter case may extend the time for complying with the notice. Subject to the right of appeal as hereinafter provided, the decision of the Court shall be final.

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(6) Within seven days after the day on which any decision is given by the Magistrate's Court on any appeal under this section, the appellant or the local authority may appeal from the decision to the Supreme Court.

35

(7) The provisions of subsections *two to five* of this section shall, so far as they are applicable and with the necessary modifications, apply with respect to appeals to the Supreme Court under this section, and the decision of the Court on any such appeal shall be final.

40

35. (1) Where a notice is served on the owner of any house under section *thirty-three* of this Act and is not cancelled on appeal, and the owner fails or refuses to comply with the requirements of the notice within
5 twenty-eight days after the service of the notice or, in the case of an appeal, within fourteen days after the determination of the appeal, or such longer period as the Court may allow, the local authority shall forthwith notify the Board of Management of the State Advances
10 Corporation of New Zealand in writing, giving such particulars as may be required by the Board.

(2) The house shall thereupon become subject to Part I of the Housing Act, 1919, as if it had been acquired on behalf of His Majesty and set apart for
15 the purposes of Part I of that Act, and, subject to the provisions of this Part of this Act, all enactments relating to the powers, functions, duties, and obligations of the State Advances Corporation of New Zealand and of the Board shall, as far as they are
20 applicable and with any necessary modifications, apply accordingly.

(3) Nothing in this Part of this Act shall be deemed to authorize the Board to dispose of any such house by way of sale.

25 (4) The letting of any house by the Board under this part of this Act shall be deemed to be a letting by the owner of the house, and shall take effect notwithstanding any other lease or letting or agreement to lease or let, and any such other lease, letting, or agree-
30 ment shall, in so far as it is inconsistent with the letting by the Board, be of no force or effect from the date of commencement of the letting of the house under this Part of this Act.

(5) Unless the owner notifies the Board to the
35 contrary the letting of any house by the Board under this Part of this Act may include any furniture for the time being in the house.

(6) If the owner of any such house fails to remove therefrom any furniture or other chattels that are not
40 to be let with the house within such time as the Board may allow in that behalf, the Board may remove the chattels and store them at the risk and expense of the owner of the house in such place as the Board thinks fit.

On default by owner, house may be let by State Advances Corporation.
1947, No. 62, s. 17

See Reprint of Statutes, Vol. III, p. 798

(7) In exercising its powers and functions under this section, the Board shall as far as practicable give effect to any reasonable representations made to it by the owner with respect to the choice of a tenant.

Rent to be paid to owner less commission and expenses. 1947, No. 62, s. 18

36. (1) The Board shall pay to the owner of any such house rent for the period during which it is subject to Part I of the Housing Act, 1919, less such commission thereon as is fixed by the Board (not exceeding five per centum) and less any moneys lawfully expended by the Board in respect of the house or any chattels found therein, whether for rates, insurance, rent, or repairs or otherwise. 5 10

(2) The rent so to be paid to the owner of any such house for any period shall be equal to the basic rent of the house under this Act, or, if a fair rent for the house has been fixed under this Act, shall be equal to the fair rent, or, as the case may be, the latest fair rent so fixed. 15

(3) Subject to the foregoing provisions of this section, all rent received by the Board for any such house while it is subject to Part I of the Housing Act, 1919, shall be the property of His Majesty, and shall be paid into the Housing Account. 20

House may be handed back to owner. 1947, No. 62, s. 19

37. (1) Subject to the provisions of this section, the Board may at any time, by notice in writing served on the owner, declare that any such house shall cease to be subject to Part I of the Housing Act, 1919, on a date to be specified in that behalf in the notice, and every such notice shall have effect according to its tenor. 25

(2) A notice shall not be given under this section unless the Board is satisfied that the house will be occupied as a dwelling, or that the house is not suitable or adaptable for letting or is otherwise unlettable. 30

(3) Except by arrangement with the owner, a notice shall not be given under this section at any time during the continuance of a tenancy created by the Board under this Part of this Act. 35

Power to enter and inspect. Ibid., s. 21

38. Any person authorized in that behalf by any local authority, either generally or specially, may at any reasonable hour in the daytime enter upon any premises and inspect the same for the purposes of this Part of this Act. 40

39. (1) Every person commits an offence against this Act who—

Offences.
1947, No. 62,
s. 22

5 (a) Resists, obstructs, deceives, or attempts to deceive any local authority, Court, or person who is exercising or attempting to exercise any power or function under this Part of this Act :

10 (b) Being a tenant of any house by virtue of the letting thereof by the Board under this Part of this Act (whether or not a notice has been given under section *thirty-seven* of this Act), uses the premises otherwise than as a private dwelling, or defaces or injures the premises, or fails to keep or leave the premises in good
15 repair, reasonable wear and tear and damage by fire excepted.

(2) In any proceedings for an offence under paragraph (b) of the *last preceding* subsection, the Court, on application by or on behalf of the owner, may assess
20 the damage, if any, suffered by him, and may—

(a) Order that any fine or part thereof shall be paid to the owner; or

(b) Order that, in addition to or instead of any fine, the defendant shall pay to the owner the
25 assessed amount of any damage suffered by him by reason of the offence.

(3) An order made under subsection *two* of this section shall be sufficient authority to the Registrar of the Court to pay the amount so ordered to be paid :

30 Provided that in no case shall the total amount paid exceed the amount recovered from the defendant.

PART V

MISCELLANEOUS

35 40. (1) Where any person (hereinafter referred to as the subtenant) is in possession of any dwellinghouse or urban property as a result of the subletting of it to him by a tenant with the express or implied consent of the landlord, and the tenancy of the tenant is determined, whether as the result of an order for
40 possession or ejectment or by expiry or surrender or

Protection of
subtenants.
1942,
No. 19, s. 7
1947,
No. 62, s. 9
Serial numbers
1944/36,
Reg. 21E
1946/184, Reg. 3

otherwise, the subtenant shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord in respect of the dwellinghouse or urban property on the terms on which he would have held it from the tenant if the tenancy had continued. 5

(2) For the purposes of this section the subletting of any dwellinghouse or urban property (whether before or after the commencement of this Act) shall be deemed to have been consented to by the landlord—

(a) Where the dwellinghouse or urban property 10
forms part of premises held by the tenant at the commencement of the subtenancy, and those premises were originally designed and constructed for the purpose of being let as two or more separate flats or apartments or in 15
two or more separate parts, as the case may be:

(b) Where the dwellinghouse or urban property 20
forms part of premises held by the tenant at the commencement of the subtenancy, and those premises at the commencement of his tenancy were let as two or more separate flats or apartments or in two or more separate parts, as the case may be, or had been adapted for the purpose of being so let: 25

(c) Where the dwellinghouse or urban property 30
forms part of premises held by the tenant at the commencement of the subtenancy, and those premises had during his tenancy been adapted by the landlord or with his consent for the purpose of being let as two or more separate flats or apartments or in separate parts, as the case may be: 35

(d) In any other case, in the absence of proof to the contrary. 35

(3) For the purposes of subsection *two* of this section, where the tenant at the commencement of the subtenancy holds two or more parts of any premises under separate tenancies he shall be deemed to hold them under one tenancy commencing on the date on which 40
the earliest of those tenancies commenced.

(4) Nothing in this section shall be construed to restrict or take away any rights of any subtenant of a tenant in any case where, whether before or after the commencement of this Act, the tenant has
5 surrendered his tenancy.

41. (1) Where the tenant of any dwellinghouse or urban property has died (whether before or after the commencement of this Act), leaving in possession of the premises his wife or her husband or any other member
10 of his or her family who was residing with the tenant, and the tenancy would, if this subsection had not been passed, be determined by reason of the death of the tenant, the tenant's wife or husband, or the member
15 of the tenant's family, as the case may be, shall be deemed for the purposes of this Act to have become the tenant of the premises upon the death of the first-mentioned tenant.

Protection of wife or husband or family in case of death of tenant, or separation or desertion.
1943, No. 20,
s. 12

(2) Notwithstanding any enactment or rule of law to the contrary, where the tenant of any dwellinghouse
20 or urban property separates from or deserts his or her wife or husband, leaving the wife or husband in possession in the premises, and the tenancy is determined by the landlord, whether before or after the separation or desertion, the provisions of this Act shall
25 apply as if the wife or husband were the tenant of the premises.

42. Notwithstanding anything to the contrary in any Act or rule of law, every tenancy of a dwellinghouse or urban property shall, subject to the provisions of this
30 Act, be binding on every mortgagee of the dwellinghouse or urban property (whether alone or together with any other premises) and on every person claiming under or through any such mortgagee, whether the tenancy has commenced or is deemed to have commenced before or
35 after the commencement of this Act or before or after the creation of the mortgage, and whether or not the mortgagee has consented to the tenancy.

Tenancies binding on mortgagees.
1942, No. 19,
s. 8

43. (1) In every tenancy of any dwellinghouse the following conditions shall be implied except in so far
40 as they are expressly negatived by agreement in writing, namely:—

Conditions implied in tenancies.
1938, No. 20,
s. 19

(a) The rent shall be payable weekly in advance as from the commencement of the tenancy:

- (b) The landlord or his duly authorized agent shall be entitled to enter the premises at any time between the hours of eight o'clock in the morning and five o'clock in the afternoon of any day except Saturday and Sunday for the purpose of inspecting the premises or effecting repairs or renovations thereto or valuing them for the purposes of any proceedings under this Act, on giving to the tenant not less than twenty-four hours' notice of his intention so to do: 5 10
- (c) The landlord shall effect all repairs and renovations to the premises that are required to abate any nuisance within the meaning of section twenty-six of the Health Act, 1920: 15
 Provided that the landlord shall not be deemed to commit a breach of this condition until he has made default in complying with an order made under the *next succeeding* paragraph: 20
- (d) The tenant may at any time by notice in writing require the landlord to effect any specified repairs or renovations to the premises that are reasonably necessary as aforesaid. If the landlord does not comply with any such notice within thirty days after service of the notice, the tenant may apply to the Court for an order requiring the landlord to effect the repairs or renovations, and the Court shall have jurisdiction to make such order as in its discretion it thinks fit, including jurisdiction to suspend or reduce the rent of the premises for any period during which the landlord makes default in complying with the order: 25 30
- (e) The tenant shall at all times do all things necessary to keep the premises neat, tidy, and clean, and shall not, without the consent of the landlord, remove any tree or shrub: 35
- (f) The tenant shall not assign his tenancy of the premises or any part thereof. 40

See Reprint
 of Statutes,
 Vol. VI, p. 1072

(2) Where the tenancy of the tenant of any dwelling-house or property has expired or been lawfully terminated, the tenant shall, so long as he has lawful possession of the premises, be deemed to continue to
 5 be the tenant thereof upon and subject to the same conditions as under the first-mentioned tenancy, subject to any conditions that may be imposed by the Court under section *twenty-nine* of this Act.

(3) Subject to the provisions of the *last preceding*
 10 subsection, where notice to quit any dwellinghouse or property has been given, whether before or after the commencement of this Act, none of the following matters shall of itself constitute evidence of a new tenancy or operate as a waiver of the notice, namely:—

- 15 (a) Any demand by the landlord for payment of any rent in respect of any period within six months after the giving of the notice:
 (b) The commencement of proceedings by the landlord to recover any rent in respect of any
 20 such period:
 (c) The acceptance of any rent by the landlord in respect of any such period.

44. (1) The landlord or other person receiving any
 25 payment on account of the rent of any dwellinghouse or property shall thereupon give or cause to be given a receipt for the payment, specifying the date of the payment, the amount paid, and the date up to which the rent is paid.

Receipts for rent.

(2) Every receipt so given shall be and remain
 30 the property of the tenant.

45. With the authority in writing of the tenant of any dwellinghouse, any Rents Officer may, on behalf of the tenant, make or oppose any application under this Act or institute or appear in any proceedings for the
 35 recovery of any moneys claimed by the tenant under this Act, or defend or appear in any proceedings brought by the landlord in any Court in relation to the dwellinghouse; and in any such proceedings the Rents Officer shall be entitled to be represented by a
 40 barrister or solicitor.

Rents Officers may act on behalf of tenants of dwelling-houses.
 1936, No. 14, s. 17

- Service of notices.
1936, No. 14,
s. 12 (2)
1947, No. 62,
s. 20
Serial numbers
1944/36,
Reg. 21A (2)
1946/184, Reg. 3
46. (1) Any notice required to be served on any person for the purposes of this Act may be served by delivering it to that person, and may be delivered to him either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. A notice so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered. 5
- (2) If the person is absent from New Zealand, the notice may be delivered as aforesaid to his agent in New Zealand. If he is deceased, the notice or document may be delivered as aforesaid to his personal representatives. 10
- (3) If the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representatives or if for any other reason it is not practicable to deliver the notice personally the notice shall be delivered in such manner as may be directed by the Court. 15 20
- Restrictions on contracting out of benefits provided by Act.
1936, No. 14,
s. 21
Serial number
1944/36,
Reg. 24 (1)
47. Subject to the provisions of the *next succeeding* section and of section *sixteen* of this Act, no covenant or agreement entered into before or after the commencement of this Act shall have any force or effect to deprive any tenant of any right, power, privilege, or other benefit provided for by this Act. 25
- Exemption of certain agreements with servicemen and short-term tenants.
1945, No. 40,
s. 25
48. (1) Where the occupier of any house—
- (a) Agrees to let any part thereof to a serviceman as a separate dwelling; or
- (b) Being in occupation of the house as his permanent home, agrees to let it for a term not exceeding one year, and intends to resume his occupancy as aforesaid at the end of that term,— 30
- the landlord and the tenant, by agreement in writing approved for the purposes of this section by a Rents Officer before the tenancy commences, may agree that this Act shall not apply to the premises so let or to any part thereof in respect of that tenancy or of any subletting by the tenant, and every such agreement shall have effect according to its tenor. 35 40

(2) Any such agreement shall be exempt from stamp duty.

(3) The fact that any such agreement has been approved in writing for the purposes of this section by a Rents Officer shall be conclusive evidence that this section applies to the agreement and that the agreement has been duly made under this section.

(4) For the purposes of this section the term "house" means any building or any part of a building that is constructed or adapted for use as a separate dwelling.

49. (1) Every person commits an offence against this Act who—

Prohibiting refusal to let dwellinghouse to applicant with children.
1942,
No. 19, s. 9

(a) Refuses, or procures another person to refuse, to let a dwellinghouse to any person on the ground that it is intended that a child will live in the dwellinghouse:

(b) Instructs any other person not to let, or states his intention (whether by advertisement or otherwise) not to let, a dwellinghouse to any person if it is intended that a child will live in the dwellinghouse.

(2) In any prosecution for an offence against this section, where it is proved that a person has refused, or procured another person to refuse, to let a dwellinghouse to any person, the burden of proving that the refusal was for some reason other than that it was intended that a child would live in the dwellinghouse shall be on the defendant.

50. (1) Every person commits an offence against this Act who occupies any building or part of a building for residential purposes without the authority of the owner.

Unauthorized occupation of buildings.

(2) For the purposes of this section the occupation of any building or part of a building by any person shall be deemed to be without the authority of the owner unless that person proves that he is in occupation by virtue of a tenancy duly created or by virtue of authority expressly granted by the owner or his duly authorized agent.

Recovery of possession from unauthorized occupier.

51. (1) Where any person is in occupation of any premises in contravention of the *last preceding* section the owner or his duly authorized agent may enter a plaint in the Magistrate's Court nearest to the place where the premises are situated to recover possession thereof; and the jurisdiction of the Court shall not be ousted on the plea that the value of the premises is above the jurisdiction of the Court, or that the Court in which the action is brought is not the Court nearest to the premises. 5

(2) If on the hearing of the plaint the defendant does not appear, or appears but fails to establish in himself an absolute right and title to the possession of the premises by virtue of a tenancy duly created or by virtue of authority expressly granted by the owner or his duly authorized agent, the Court shall order that possession of the premises be given by the defendant to the plaintiff forthwith, and that the defendant do pay the costs and such damages as the Court deems just; and in every such case the provisions of the Magistrates' Courts Act, 1947, as to the enforcement of judgments and orders shall apply accordingly. 10 15 20

1947, No. 16

Offences and penalties.

1936,
No. 14, s. 23
Serial number
1944/36,
Reg. 48

52. (1) Every person commits an offence against this Act who—

- (a) Without lawful justification or excuse acts in contravention of or fails to comply in any respect with any provision of this Act or of any regulations made under this Act : 25
- (b) Wilfully deceives or attempts to deceive any Rents Officer exercising or attempting to exercise any powers or functions under this Act or under any regulations made under this Act: 30
- (c) With intent to deceive, makes any false or misleading statement or any material omission in any communication with or application to any person (whether in writing or otherwise) for the purposes of this Act or any regulations made under this Act: 35
- (d) Offers any bribe or other unlawful or improper inducement to any person with intent to influence him in the exercise of any powers, duties, or functions under or for the purposes of this Act or any regulations made under this Act: 40

(e) Being the landlord of any dwellinghouse or acting on behalf of the landlord, directly or indirectly deprives the tenant of any amenities for the time being enjoyed by the tenant in respect of the tenancy.

(2) Nothing in this section shall be construed to affect any right of action by way of civil proceedings.

(3) Every person who commits an offence against this Act or against any regulations made under this Act in relation to any dwellinghouse shall be liable on summary conviction to a fine not exceeding one hundred pounds and (in the case of a continuing offence) to a further fine not exceeding two pounds for every day during which the offence continues.

(4) Every person who commits an offence against this Act or against any regulations made under this Act in relation to any property shall be liable on summary conviction,—

(a) In the case of an individual, to a fine not exceeding two hundred pounds and (in the case of a continuing offence) to a further fine not exceeding five pounds for every day during which the offence continues:

(b) In the case of a company or other corporation, to a fine not exceeding five hundred pounds and (in the case of a continuing offence) to a further fine not exceeding twenty pounds for every day during which the offence continues.

53. (1) The Governor-General may from time to time, by Order in Council, make regulations for giving full effect to the provisions of this Act, and for the due administration thereof.

Regulations.
1936,
No. 14, s. 24
1939,
No. 43, s. 8

(2) Without limiting the general power hereinbefore conferred it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

(a) Prescribing methods of fixing fair rents by reference to such proportion as may be prescribed of the capital value of the premises, together with the average annual outgoings of the landlord for rates and insurances, allowances for depreciation and maintenance and for any furniture or other chattels included in the tenancy, and such other considerations as may be prescribed:

(b) Regulating charges in respect of residential accommodation in any premises with attendance or services.

(3) Regulations made under this section may be of general application, or may relate to any specified part or parts of New Zealand, or to any specified class or classes of premises, and different regulations may be made in respect of different parts of New Zealand or in respect of different classes of premises.

Repeals and savings.

54. (1) The enactments specified in the *First* 10
Schedule to this Act are hereby repealed.

(2) The regulations specified in the *Second* Schedule to this Act are hereby revoked.

(3) All acts of authority that originated under any of the enactments hereby repealed or revoked, and are 15
subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. 20

(4) The repeal or revocation of the said enactments shall not affect the liability of any person for any offence against any of the provisions thereof, and proceedings in respect of any such offence may be taken, continued, or completed as if this Act had not been 25
passed.

(5) Subject to the *last preceding* subsection, all matters and proceedings commenced under the said enactments, and pending or in progress at the commencement of this Act, may be continued and completed under 30
this Act.

SCHEDULES

Schedules.

FIRST SCHEDULE

ENACTMENTS REPEALED

- 1936, No. 14—
The Fair Rents Act, 1936.
- 1936, No. 58—
The Statutes Amendment Act, 1936: Section 25.
- 1937, No. 2—
The Fair Rents Amendment Act, 1937.
- 1937, No. 17—
The Finance Act, 1937: Section 63.
- 1938, No. 20—
The Statutes Amendment Act, 1938: Section 19.
- 1939, No. 43—
The Fair Rents Amendment Act, 1939.
- 1940, No. 18—
The Statutes Amendment Act, 1940: Section 10.
- 1942, No. 19—
The Fair Rents Amendment Act, 1942.
- 1943, No. 20—
The Statutes Amendment Act, 1943: Sections 11, 12, and 13.
- 1945, No. 40—
The Statutes Amendment Act, 1945: Section 25.
- 1947, No. 62—
The Fair Rents Amendment Act, 1947.

SECOND SCHEDULE

REGULATIONS REVOKED

Serial Number.	Regulations.
1942/335	The Economic Stabilization Emergency Regulations 1942: Part III.
1943/38	The Economic Stabilization Emergency Regulations 1942, Amendment No. 1: Regulation 2.
1946/184	The Economic Stabilization Emergency Regulations 1942, Amendment No. 9.
1946/208	The Economic Stabilization Emergency Regulations 1942, Amendment No. 10.
1948/64	The Economic Stabilization Emergency Regulations 1942, Amendment No. 13.