

FAIR RENTS (AMENDMENT) BILL.

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*SCHEDULE of the Amendments referred to in Message of 21st January, 1926.*

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Page 3, clause 3, line 29. *Add* new subclause (7).

Page 4, clause 7, line 19. *After* "dwelling-house" *insert* " **wherever occurring** "

Page 6, clause 11, lines 30 to 32. *Omit* "alternative accommodation reasonably  
"equivalent as regards rent and suitability in all respects is available and  
"that"

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1870  
The following is a list of the names of the persons who have been admitted to the membership of the Society since the last meeting of the Council, viz.:

Mr. J. H. [Name] [Address] [City] [State] [Year]

THE SECRETARY

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 4 November, 1925.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 21st January, 1926.*

## New South Wales.



ANNO SEXTO DECIMO

# GEORGII V REGIS.

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Act No. , 1925.

An Act to amend the law relating to landlords and tenants; to extend the provisions of the Fair Rents Act, 1915, as amended by the Fair Rents (Amendment) Act, 1920, to certain shops; to impose certain restrictions on the recovery of possession of dwelling-houses and shops; to amend the Fair Rents Act, 1915, the Landlord and Tenant Act, 1899, and certain other Acts; and for purposes connected therewith.

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BE

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Fair Rents (Amendment).*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
 5 the same, as follows :—

**1.** This Act may be cited as the "Fair Rents (Amendment) Act, 1925," and shall be construed with the Fair Rents Act, 1915, as amended by the Fair Rents (Amendment) Act, 1920. The Fair Rents Act, 1915, as  
 10 so amended, is in this Act referred to as the Principal Act.

**2.** Section two of the Principal Act is amended— Amendment of Act No. 66, 1915, s. 2.

(a) by inserting in the definition of "lease" after the word "dwelling-house" the words "or shop," and by adding at the end of the same definition the words "and 'leased' has a corresponding meaning";

(b) by inserting after the word "dwelling-house" in paragraph (c) of the definition of "rent" the words "or shop";

(c) by inserting after the words "mesne lessee" in the definition of "lessor" and "lessee" the words "and also any person from time to time deriving title under the original lessor or lessee";

(d) by inserting after the definition of "Rent" the following definition :—

"Shop" means a building in which the business of selling goods by retail is carried on; and

(e) by omitting the definition of "tax."

**3.** Section three of the Principal Act is omitted, and the following new section is substituted therefor :— Amendment of Act No. 66, 1915, s. 3.

3. (1) This Act shall apply to any dwelling-house which is subject to a lease made before or after the commencement of this Act, at a rent not exceeding three pounds a week. Application of Act.

(2) This Act shall apply to any shop which is subject to a lease made before or after the commencement of the Fair Rents (Amendment) Act, 1925, at a rent not exceeding six pounds a week or which

*Fair Rents (Amendment).*

which at any time after the sixteenth day of September, one thousand nine hundred and twenty-five, and prior to the commencement of the Fair Rents (Amendment) Act, 1925, has been let at a rent not exceeding six pounds a week, but shall not apply to a shop subject to a lease for a term exceeding three years subsisting at the said commencement during the residue of the term.

(3) This Act shall apply to a building partly a dwelling-house and partly a shop, leased to one tenant at one rent not exceeding six pounds per week, but shall not apply to a building subject to a lease for a term exceeding three years subsisting at the commencement of the Fair Rents (Amendment) Act, 1925, during the residue of the term.

(4) This Act shall apply to a building partly a dwelling-house and partly a shop partially leased or wholly leased to separate tenants when any part leased if a separate building would be subject to this Act but only in respect of such part while so leased.

(5) This Act shall apply only within the localities appointed by the Governor and notified by proclamation published in the Gazette, either before or after the coming into operation of the Fair Rents (Amendment) Act, 1925.

(6) This Act shall not apply to premises licensed under the Liquor Act, 1912, or to dwelling-houses ordinarily leased for summer residence.

(7) This Act shall bind the Crown.

4. (1) Subsection one of section six of the Principal Act is omitted, and the following new subsection is substituted therefor:—

Amendment  
of Act No. 66,  
1915, s. 6.

(1) (a) Any lessor; or

(b) any lessee who has paid or tendered all rent payable under his lease, or who satisfies the court that the non-payment of such rent is excusable,

may apply to the court for the determination of the fair rent of the dwelling-house or shop leased by or to him, and any lessee may so apply notwithstanding that notice to quit or notice to terminate the tenancy has been given. (2)

*Fair Rents (Amendment).*

(2) Subsections three, four, and five of section six of the Principal Act are amended by inserting the words "or shop" after the word "dwelling-house" wherever occurring.

5 **5.** Section nine of the Principal Act is amended— Amendment of Act No. 66, 1915, s. 9.

(a) by inserting in subsection one after the word "dwelling-house" wherever occurring, the words "or shop";

10 (b) by omitting from subsection two the words "and taxes";

(c) by inserting in subsection two after the word "dwelling-house" wherever it occurs the words "or shop."

15 **6.** Sections ten, fifteen, sixteen, twenty-one, and twenty-three of the Principal Act are amended by inserting the words "or shop" after the word "dwelling-house" wherever occurring. Amendment of Act No. 66, 1915, ss. 10, 15, 16, 21, and 23.

20 **7.** Section eleven of the Principal Act is amended— Amendment of Act No. 66, 1915, s. 11.

(a) by inserting after the word "dwelling-house" **wherever occurring** the words "or shop";

(b) by inserting after the word "lessor" where it firstly occurs the words "or any person purporting to act on his behalf";

25 (c) by omitting the words "or during the period of six months from the date of such determination" and by inserting in lieu thereof the words "or during the period the determination is in force";

30 (d) by omitting the word "lessor" where it secondly occurs and by inserting in lieu thereof the word "person."

**8.** Section thirteen of the Principal Act is amended— Amendment of Act No. 66, 1915, s. 13.

(a) by inserting after the word "dwelling-house" wherever occurring the words "or shop";

35 (b) by inserting the following paragraph at the end of the section—

The court may vary a determination where it is satisfied that by an error or omission an injustice has been occasioned thereby.

*Fair Rents (Amendment).*

**9.** Subsection one of section 17A of the Principal Act is amended— Amendment of Act No. 66, 1915, s. 17A.

- 5 (a) by inserting after the words "any person who" the words "whether as principal or agent or in any other capacity";
- (b) by inserting in paragraph (a) after the word "dwelling-house" the words "or shop or for giving his consent to a sublease thereof";
- 10 (c) by inserting in paragraph (b) after the word "dwelling-house" the words "or shop."

**10.** Section nineteen is omitted and the following new section inserted in lieu thereof:— Amendment of Act No. 66, 1915 s. 19.

15 19. (1) The court shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act, and the said Act, section thirteen, and Division 2 of Part II excepted shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the court. Powers of the court.

20 (2) The court may make such apportionment as seems just in any case in which it thinks an apportionment is necessary to carry out its powers under this Act.

**11.** The Principal Act is further amended by the addition after section twenty-one of the following new section:— Amendment of Act No. 66, 1915 New section.

25 21A. (1) No order or judgment for the recovery of possession of any dwelling-house or shop, or for the ejectment of a lessee therefrom, shall be made or given unless— Restrictions on right to possession.

30 (a) some rent lawfully due from the lessee has not been paid, or some other obligation of the tenancy (whether under the lease or under this Act), so far as the same is consistent with this Act, has been broken or not performed; or

35 (b) the lessee or any person residing with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the premises, or allowing the premises to be used

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*Fair Rents (Amendment).*

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- 5 used for an immoral or illegal purpose, or  
the condition of the dwelling-house or shop  
has, in the opinion of the court, deteriorated  
owing to the acts of waste committed by the  
lessee or any such person; or
- 10 (c) the lessee has given notice of his intention  
to quit, and in consequence of that notice  
the lessor has contracted to sell or let the  
dwelling-house or shop, or has taken any  
other steps as a result of which he would,  
in the opinion of the court, be seriously  
prejudiced if he could not obtain possession;  
or
- 15 (d) the dwelling-house is reasonably required  
by the lessor for occupation as a residence  
for himself or for some member of his  
family or, in the case of a shop, the shop is  
reasonably required by the lessor for his  
own business, trade, or professional purposes  
or those of any member of his family; or
- 20 (e) the lessor is a municipal or statutory  
authority, and the dwelling-house or shop  
is reasonably required for public purposes,  
or for the purpose of the execution of the  
duties or powers vested in such authority; or
- 25 (f) the dwelling-house or shop is reasonably  
required by the lessor for the purpose of  
demolition or of reconstruction to a sub-  
stantial extent and the court is satisfied  
30 that ~~alternative accommodation reasonably  
equivalent as regards rent and suitability in  
all respects is available and that greater  
hardship would be caused by refusing to  
grant an order or judgment for possession  
than by granting it; or~~
- 35 (g) the dwelling-house or shop is reasonably  
required by the lessor for the purpose of  
enabling him to comply with the require-  
ments of a Local Government or Health  
40 authority; or
- (h)



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*Fair Rents (Amendment).*

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(h) the lessee was in the employment of the lessor or a former lessor and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment.

(2) At the time of the application for, or the making or giving of any order or judgment for, the recovery of possession of a dwelling-house or shop, or for the ejectment of a lessee therefrom, or in the case of any such order or judgment which has been made or given, whether before or after the passing of the Fair Rents (Amendment) Act, 1925, and not executed, at any subsequent time, the court to which such application is made or by which such order or judgment is made or given, may adjourn the application, or stay or suspend execution on such order or judgment, or postpone the date of possession for such period or periods as it thinks fit, and subject to such conditions (if any) in regard to payment by the lessee of arrears of rent, rent or mesne profits, or the cost of repairing acts of waste committed or suffered by the lessee or otherwise as it thinks fit, and if such conditions are complied with, that court may, if it thinks fit, discharge or rescind such order or judgment.

Where any such order or judgment has been executed after the first day of October, one thousand nine hundred and twenty-five, the court by which the order or judgment was made or given may vary or discharge such order or judgment, and may make such order as is just for the purpose of preserving and restoring the rights and obligations of the parties thereto as they would have existed if such order or judgment had not been executed.

(3) Where a lessor has obtained an order or judgment for possession or ejectment which is subsequently proved to have been obtained by misrepresentation or the concealment of material facts, the court in which the order or judgment was obtained may order the lessor to pay to the former

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*Fair Rents (Amendment).*

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former lessee such sum as appears sufficient as compensation for damage or loss sustained by that lessee as the result of the order or judgment.

5 (4) Nothing in this section shall prejudice or affect the powers conferred by section 8B of the Vagrancy Act, 1902, inserted by section six of the Police Offences (Amendment) Act, 1908.

10 (5) Notwithstanding anything contained in section eleven of this Act the lessor may give notice to quit and take proceedings to recover possession of the premises in any of the circumstances set out in subsection one of this section.

15 **12.** (1) Notwithstanding any provision of the Distress for Rent Act, 1737 (Imperial), any penalty in respect of the removal of goods and chattels in contravention of that Act shall be such sum not exceeding double the amount of the rent in arrear as the court or justices may think reasonable.

Amendment  
of 11 Geo. 11,  
c. 19.

20 (2) In this section the expression "removal of goods and chattels" includes conveying away, carrying off, or concealing goods and chattels, or aiding or assisting therein.

1925.

**Legislative Council**

**FAIR RENTS BILL.**

(Amendments to be proposed in Committee of the Whole by  
THE HON. N. J. BUZACOTT.)

- Page 2, clause 2, line 17. *Insert* at end of paragraph (a) the words :—  
“Provided that only such part of the premises as is leased wholly or partly as a dwelling-house or a shop shall be subject to the provisions of this Act”.
- Page 2, clause 2, line 29. *After* the word “business” *insert* the words “is chiefly that”.
- Page 2, clause 2, lines 29 and 30. *Omit* the words “is carried on”.
- Page 2, clause 3, line 35. *After* the word “lease” *insert* the words “for any term not exceeding three years”.
- Page 2, clause 3, line 39. *After* the word “lease” *insert* the words “for any term not exceeding three years”.
- Page 2, clause 3, line 41, and page 3, lines 1 to 8. *Omit* all the words in subclause (2) after the word “week”.
- Page 3, clause 3, subclause (3), line 10. *After* the word “leased” *insert* the words “for any term not exceeding three years”.
- Page 3, clause 3, line 12. *Omit* all the words of subclause (3) after the word “week”.
- Page 3, clause 3, subclause (4), line 16. *Insert* after the word “to” the words “that part of”.
- Page 3, clause 3, line 18. *After* the word “leased” *insert* the words “for any term not exceeding three years.”
- Page 3, clause 3, subclause (4), line 21. *Insert* at end of subclause (4) the words :—“But this Act shall not apply to any part of a building that is occupied by a caretaker or other employee of the lessor”.
- Page 3, at end of clause 3, line 30. *After* the word “residence” *insert* the words :—“or to a dwelling-house that is a home of the lessor or to any premises occupied by a caretaker or employee of the lessor or by any lessee whose lease of the premises has terminated or to any building erected after the”.

Page 3, at end of clause 3, line 30. *Insert* new subclause:—

(7) This Act shall bind the Crown.

Page 4, clause 5, after paragraph (a), line 8. *Insert* the following new paragraphs:—

(b) By inserting in subsection two after the word “than” where firstly occurring, the words “two per centum above”.

(c) By omitting in subsection two after the word “than” where secondly occurring the word “two” and inserting in lieu thereof the word “three”.

(d) By inserting in subsection two after the word “annual” the words “or similar”.

(e) By inserting in subsection two after the words “untenanted” the words “and plus such any amount as the tenant may deem proper to be allowed for caretaking, cleaning, lighting, and heating, or anything else supplied or done through or by the lessor”.

Page 4, clause 5, line 13. *After* the word “shop” *insert* the following new paragraph:—

(g) By omitting subsection two of the first proviso.

Page 4, clause 7, lines 24 to 28. *Omit* paragraph (c) and *insert* the following paragraph in lieu thereof:—

(c) By omitting the word “six” and inserting in lieu thereof the word “nine”.

Page 4, clause 7, line 28. *After* paragraph (c) *insert* the following new paragraph:—

By inserting in section eleven after the word “determination” the following words:—“Any such determination made on the application of a lessee shall continue only while the person who made such application shall remain the lessee.”

Page 4, subsection (b) of clause 8, line 39. *Insert* at the end of subclause (b) of clause 8 the words:—

Provided that the period any determination is to remain in force in respect of any lease shall not by any subsequent determination or variation of determination exceed the period of the first determination.

Page 5, paragraph (b) of clause 9, lines 7 and 8. *Omit* the words “or for giving his consent to a sublease thereof”.

- Page 5, clause 11, line 27. *Insert* before the word "no" the words "During the period of nine months from the date of such determination".
- Page 5, clause 11, paragraph (b), line 40. *Before* the word "using" *insert* the words "or is in the opinion of the court".
- Page 6, clause 11, line 5. At end of paragraph (b) *insert* the words "if in the opinion of the court there are other circumstances that would prejudice the lessor, or if the lessor has contracted to sell or".
- Page 6, line 7, paragraph (c) of clause 11. *Omit* all remaining words of paragraph (c) after the word "quit".
- Page 6, line 17. *After* the word "family" *insert* the words "or for some person in his employment".
- Page 6, clause 11, lines 21 and 22. *Omit* from subclause (e) the words "The lessor is a municipal and statutory authority and".
- Page 6, line 25. *Omit* the word "such" and *insert* in lieu thereof the words "any statutory".
- Page 6, clause 11, line 25. *After* the word "authority" *insert* the words "or in connection therewith".
- Page 6, line 29. *Omit* all words of paragraph (f) after the word "extent" and *insert* the words "or if any of the land is required for subdivision or".
- Page 7, clause 11, line 9. *Insert* after the word "therefrom" the words "on the grounds only of paragraph (a) of this section".
- Page 7, clause 11, line 18. *After* the word "periods" *insert* the words "not exceeding in all one calendar month".
- Page 7, clause 11, lines 26 to 34 inclusive. *Omit* lines 26 to 34 inclusive".
- Page 7, clause 11, line 35. *Omit* the word "lessor" and *insert* in lieu the word "person".
- Page 7, clause 11, line 36. *Omit* the words "for possession or ejection".
- Page 7, clause 11, line 40. *Omit* the words "the lessor" and *insert* the words "that person".
- Page 8, clause 11, line 1. *Omit* the words "former lessee" and *insert* the words "other person".
- Page 8, clause 11, line 3. *Omit* the word "lessee" and *insert* the words "other person".
- Page 8, clause 11, line 7. *After* the figures "1908" *insert* the words "or the powers and rights of a mortgagee, executor, or trustee".

Page 8, clause 12, line 22. At end of clause *insert* the following new clause :—

**13.** Section eighteen of the Principal Act is amended by adding the following words at the end thereof :—  
“except that appeal may be made to a district court judge in manner hereinafter provided”.

At end of new clause thirteen *insert* the following new clause :—

**14.** (1) Any party to any proceeding may appeal to a district court judge having jurisdiction within the area against any order, judgment, or decision of any court mentioned in this Act or the Principal Act.

(2) Such judge may summon witnesses, hear evidence, and determine the matter.

(3) The decision of such judge upon any such appeal shall be final and conclusive.

(4) If in any decision under this section costs are awarded, such costs may be enforced and recovered in like manner to costs awarded in a judgment of the district court.

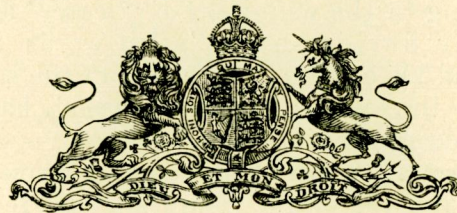
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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 4 November, 1925.*

## New South Wales.



ANNO SEXTO DECIMO

# GEORGII V REGIS.

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Act No.           , 1925.

An Act to amend the law relating to landlords and tenants; to extend the provisions of the Fair Rents Act, 1915, as amended by the Fair Rents (Amendment) Act, 1920, to certain shops; to impose certain restrictions on the recovery of possession of dwelling-houses and shops; to amend the Fair Rents Act, 1915, the Landlord and Tenant Act, 1899, and certain other Acts; and for purposes connected therewith.

*Fair Rents (Amendment).*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows :—

**1.** This Act may be cited as the "Fair Rents (Amendment) Act, 1925," and shall be construed with the Fair Rents Act, 1915, as amended by the Fair Rents (Amendment) Act, 1920. The Fair Rents Act, 1915, as  
10 so amended, is in this Act referred to as the Principal Act.

**2.** Section two of the Principal Act is amended— Amendment of Act No. 66, 1915, s. 2.

(a) by inserting in the definition of "lease" after  
15 the word "dwelling-house" the words "or shop," and by adding at the end of the same definition the words "and 'leased' has a corresponding meaning";

(b) by inserting after the word "dwelling-house" in paragraph (c) of the definition of "rent" the words "or shop";

(c) by inserting after the words "mesne lessee" in the definition of "lessor" and "lessee" the words "and also any person from time to time deriving title under the original lessor or lessee";

(d) by inserting after the definition of "Rent" the following definition:—

"Shop" means a building in which the business of selling goods by retail is carried on; and

(e) by omitting the definition of "tax."

**3.** Section three of the Principal Act is omitted, and the following new section is substituted therefor:— Amendment of Act No. 66, 1915, s. 3.

3. (1) This Act shall apply to any dwelling-house which is subject to a lease made before or after the commencement of this Act, at a rent not exceeding three pounds a week. Application of Act.

(2) This Act shall apply to any shop which is subject to a lease made before or after the commencement of the Fair Rents (Amendment) Act, 1925, at a rent not exceeding six pounds a week or  
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*Fair Rents (Amendment).*

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10 (3) This Act shall apply to a building partly a dwelling-house and partly a shop, leased to one tenant at one rent not exceeding six pounds per week, but shall not apply to a building subject to a lease for a term exceeding three years subsisting at the commencement of the Fair Rents (Amendment) Act, 1925, during the residue of the term.

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20 (5) This Act shall apply only within the localities appointed by the Governor and notified by proclamation published in the Gazette, either before or after the coming into operation of the Fair Rents (Amendment) Act, 1925.

25 (6) This Act shall not apply to premises licensed under the Liquor Act, 1912, or to dwelling-houses ordinarily leased for summer residence.

30 **4.** (1) Subsection one of section six of the Principal Act is omitted, and the following new subsection is substituted therefor:—

(1) (a) Any lessor; or  
 35 (b) any lessee who has paid or tendered all rent payable under his lease, or who satisfies the court that the non-payment of such rent is excusable,  
 40 may apply to the court for the determination of the fair rent of the dwelling-house or shop leased by or to him, and any lessee may so apply notwithstanding that notice to quit or notice to terminate the tenancy has been given. (2)

Amendment  
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*Fair Rents (Amendment).*

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20 (a) by inserting after the word "dwelling-house" the words "or shop";

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*Fair Rents (Amendment).*

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40 (b) the lessee or any person residing with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the premises, or allowing the premises to be used

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*Fair Rents (Amendment).*

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- used for an immoral or illegal purpose, or the condition of the dwelling-house or shop has, in the opinion of the court, deteriorated owing to the acts of waste committed by the lessee or any such person ; or
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- (c) the lessee has given notice of his intention to quit, and in consequence of that notice the lessor has contracted to sell or let the dwelling-house or shop, or has taken any
- 10 other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession ; or
- (d) the dwelling-house is reasonably required by the lessor for occupation as a residence for himself or for some member of his family or, in the case of a shop, the shop is reasonably required by the lessor for his own business, trade, or professional purposes or those of any member of his family ; or
- 15
- (e) the lessor is a municipal or statutory authority, and the dwelling-house or shop is reasonably required for public purposes, or for the purpose of the execution of the duties or powers vested in such authority ; or
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- (f) the dwelling-house or shop is reasonably required by the lessor for the purpose of demolition or of reconstruction to a substantial extent and the court is satisfied that alternative accommodation reasonably equivalent as regards rent and suitability in all respects is available and that greater hardship would be caused by refusing to grant an order or judgment for possession than by granting it ; or
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- (g) the dwelling-house or shop is reasonably required by the lessor for the purpose of enabling him to comply with the requirements of a Local Government or Health authority ; or
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(h)

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*Fair Rents (Amendment).*

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(h) the lessee was in the employment of the lessor or a former lessor and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment.

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(2) At the time of the application for, or the making or giving of any order or judgment for, the recovery of possession of a dwelling-house or shop, or for the ejectment of a lessee therefrom, or in the case of any such order or judgment which has been made or given, whether before or after the passing of the Fair Rents (Amendment) Act, 1925, and not executed, at any subsequent time, the court to which such application is made or by which such order or judgment is made or given, may adjourn the application, or stay or suspend execution on such order or judgment, or postpone the date of possession for such period or periods as it thinks fit, and subject to such conditions (if any) in regard to payment by the lessee of arrears of rent, rent or mesne profits, or the cost of repairing acts of waste committed or suffered by the lessee or otherwise as it thinks fit, and if such conditions are complied with, that court may, if it thinks fit, discharge or rescind such order or judgment.

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Where any such order or judgment has been executed after the first day of October, one thousand nine hundred and twenty-five, the court by which the order or judgment was made or given may vary or discharge such order or judgment, and may make such order as is just for the purpose of preserving and restoring the rights and obligations of the parties thereto as they would have existed if such order or judgment had not been executed.

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(3) Where a lessor has obtained an order or judgment for possession or ejectment which is subsequently proved to have been obtained by misrepresentation or the concealment of material facts, the court in which the order or judgment was obtained may order the lessor to pay to the former

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*Fair Rents (Amendment).*

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former lessee such sum as appears sufficient as compensation for damage or loss sustained by that lessee as the result of the order or judgment.

5 (4) Nothing in this section shall prejudice or affect the powers conferred by section 8B of the Vagrancy Act, 1902, inserted by section six of the Police Offences (Amendment) Act, 1908.

10 (5) Notwithstanding anything contained in section eleven of this Act the lessor may give notice to quit and take proceedings to recover possession of the premises in any of the circumstances set out in subsection one of this section.

**12.** (1) Notwithstanding any provision of the Distress for Rent Act, 1737 (Imperial), any penalty <sup>Amendment of 11 Geo. II c. 19.</sup> in respect of the removal of goods and chattels in contravention of that Act shall be such sum not exceeding double the amount of the rent in arrear as the court or justices may think reasonable.

20 (2) In this section the expression "removal of goods and chattels" includes conveying away, carrying off, or concealing goods and chattels, or aiding or assisting therein.