

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

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Act No. 12, 1951.

An Act to amend the Landlord and Tenant (War Service) Amendment Act, 1949, and the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 20th June, 1951.]

**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 the same, as follows:—

**1.** (1) This Act may be cited as the "Landlord and Tenant (War Service) Amendment Act, 1951."

Short title  
and  
citation.



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*Landlord and Tenant (War Service) Amendment.*

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(2) The Landlord and Tenant (War Service) Amendment Act, 1949, as amended by this Act, may be cited as the Landlord and Tenant (War Service) Amendment Act, 1949-1951.

Amendment  
of Act No.  
22, 1949.

Sec. 4.

(Recovery  
of possession of  
premises.)

**2.** (1) The Landlord and Tenant (War Service) Amendment Act, 1949, is amended by omitting subsection eleven of section four.

(2) The amendment made by subsection one of this section applies to and in respect of proceedings under Part III of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, which are pending immediately before the commencement of this Act as well as to and in respect of proceedings taken under that Part after such commencement.

Power to  
reopen  
certain  
proceedings.

**3.** (1) Where in any proceedings referred to in section seventy of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, the court has made an order for the recovery of possession of any prescribed premises and such order was so made on or after the second day of May, one thousand nine hundred and fifty-one, and before the commencement of this Act, and such order has not been executed, the court may, upon application made for the purpose, make any such order in respect of the proceedings as the court might have made had section two of this Act been in force when the proceedings were taken and the order for the recovery of possession of the prescribed premises was made; and, for that purpose, but without limiting the generality of the power conferred by the foregoing provisions of this subsection, the court may discharge or rescind the order for the recovery of possession of the prescribed premises or make such other order pursuant to section seventy-one of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, as the court deems fit.

(2) This section shall be read and construed with the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts.

**4.**



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*Landlord and Tenant (War Service) Amendment.*

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4. Nothing in this Act shall affect the rights of the parties in the matter in which an order for recovery of possession of premises situated at 63 Edinburgh-road, Willoughby, was made on the twenty-third day of May, one thousand nine hundred and fifty-one, and in which Hilda Lillian Polglase was the applicant lessor and Percy John Alexander Ledingham was the respondent lessee. Saving of  
certain  
rights.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1951.

[4d.]

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...

...

[46]



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 15 June, 1951.*

## **New South Wales.**



ANNO QUINTO DECIMO

**GEORGII VI REGIS.**

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**Act No. 12, 1951.**

**An Act to amend the Landlord and Tenant (War Service) Amendment Act, 1949, and the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 20th June, 1951.]**

**BE** 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 the same, as follows:—

**1.** (1) This Act may be cited as the "Landlord and Tenant (War Service) Amendment Act, 1951."

Short title  
and  
citation.

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*



*Landlord and Tenant (War Service) Amendment.*

(2) The Landlord and Tenant (War Service) Amendment Act, 1949, as amended by this Act, may be cited as the Landlord and Tenant (War Service) Amendment Act, 1949-1951.

Amendment  
of Act No.  
22, 1949.  
Sec. 4.

(Recovery  
of posses-  
sion of  
premises.)

2. (1) The Landlord and Tenant (War Service) Amendment Act, 1949, is amended by omitting subsection eleven of section four.

(2) The amendment made by subsection one of this section applies to and in respect of proceedings under Part III of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, which are pending immediately before the commencement of this Act as well as to and in respect of proceedings taken under that Part after such commencement.

Power to  
reopen  
certain  
proceedings.

3. (1) Where in any proceedings referred to in section seventy of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, the court has made an order for the recovery of possession of any prescribed premises and such order was so made on or after the second day of May, one thousand nine hundred and fifty-one, and before the commencement of this Act, and such order has not been executed, the court may, upon application made for the purpose, make any such order in respect of the proceedings as the court might have made had section two of this Act been in force when the proceedings were taken and the order for the recovery of possession of the prescribed premises was made; and, for that purpose, but without limiting the generality of the power conferred by the foregoing provisions of this subsection, the court may discharge or rescind the order for the recovery of possession of the prescribed premises or make such other order pursuant to section seventy-one of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, as the court deems fit.

(2) This section shall be read and construed with the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts.



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*Landlord and Tenant (War Service) Amendment.*

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4. Nothing in this Act shall affect the rights of the parties in the matter in which an order for recovery of possession of premises situated at 63 Edinburgh-road, Willoughby, was made on the twenty-third day of May, one thousand nine hundred and fifty-one, and in which Hilda Lillian Polglase was the applicant lessor and Percy John Alexander Ledingham was the respondent lessee. Saving of  
certain  
rights.

*In the name and on behalf of His Majesty I assent to  
this Act.*

J. NORTHCOTT,  
Governor.

*Government House,  
Sydney, 20th June, 1951.*



Lot No. 12, 1951.

London and London (War Service) Insurance

4. Nothing in this Act shall affect the rights of the parties in the matter in which an order for recovery of possession of premises situated at 63 Edinburg Road, Waltham, was made on the twenty-third day of May, one thousand nine hundred and fifty-one, and in which Hilda Lilian Holman was the applicant lessor and John Alexander Lockhart was the respondent lessee.

in the name of which a bill of His Majesty's assent to

J. NORTHGOTT  
Governor

Government House,  
Sydney, 20th June, 1951.



*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.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 14 June, 1951.*

## **New South Wales.**



ANNO QUINTO DECIMO

## **GEORGII VI REGIS.**

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**Act. No. , 1951.**

**An Act to amend the Landlord and Tenant (War Service) Amendment Act, 1949, and the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts in certain respects; and for purposes connected therewith.**

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

**1.** (1) This Act may be cited as the "Landlord and  
Tenant (War Service) Amendment Act, 1951."

Short title  
and  
citation.

81115

116—

(2)



*Landlord and Tenant (War Service) Amendment.*

(2) The Landlord and Tenant (War Service) Amendment Act, 1949, as amended by this Act, may be cited as the Landlord and Tenant (War Service) Amendment Act, 1949-1951.

5   **2.** (1) The Landlord and Tenant (War Service) Amendment Act, 1949, is amended by omitting subsection eleven of section four.

Amendment  
of Act No.  
22, 1949.  
Sec. 4.

(2) The amendment made by subsection one of this section applies to and in respect of proceedings under  
10 Part III of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, which are pending immediately before the commencement of this Act as well as to and in respect of proceedings taken under that Part after such commencement.

(Recovery  
of possession  
of  
premises.)

15   **3.** (1) Where in any proceedings referred to in section seventy of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, the court has made an order for the recovery of possession of any prescribed premises and such order was so made on or after the  
20 second day of May, one thousand nine hundred and fifty-one, and before the commencement of this Act, and such order has not been executed, the court may, upon application made for the purpose, make any such order in respect of the proceedings as the court might have made had  
25 section two of this Act been in force when the proceedings were taken and the order for the recovery of possession of the prescribed premises was made; and, for that purpose, but without limiting the generality of the power conferred by the foregoing provisions of this subsection,  
30 the court may discharge or rescind the order for the recovery of possession of the prescribed premises or make such other order pursuant to section seventy-one of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, as the court deems fit.

Power to  
reopen  
certain  
proceedings.

35   (2) This section shall be read and construed with the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts.



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*Landlord and Tenant (War Service) Amendment.*

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4. Nothing in this Act shall affect the rights of the parties in the matter in which an order for recovery of possession of premises situated at 63 Edinburgh-road, Willoughby, was made on the twenty-third day of May, 5 one thousand nine hundred and fifty-one, and in which Hilda Lillian Polglase was the applicant lessor and Percy John Alexander Ledingham was the respondent lessee. **Saving of certain rights.**



## Landlord and Tenant (War Service) Amendment

4. Nothing in this Act shall affect the rights of the parties in the matter in which an order for recovery of possession of premises situated at 63 Edinburgh-road, Wiltshire, was made on the twenty-third day of May, one thousand nine hundred and fifty-one, and in which Hilts William Polase was the applicant lessor and Percy John Alexander Edingham was the respondent lessee.



No. , 1951.

## A BILL

To amend the Landlord and Tenant (War Service) Amendment Act, 1949, and the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. C. E. MARTIN;—13 June, 1951.]

**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 the same, as follows:—

1. (1) This Act may be cited as the "Landlord and Tenant (War Service) Amendment Act, 1951."

Short title  
and  
citation.



*Landlord and Tenant (War Service) Amendment.*

(2) The Landlord and Tenant (War Service) Amendment Act, 1949, as amended by this Act, may be cited as the Landlord and Tenant (War Service) Amendment Act, 1949-1951.

5   **2.** (1) The Landlord and Tenant (War Service) Amendment Act, 1949, is amended by omitting subsection eleven of section four.

Amendment  
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Sec. 4.

(2) The amendment made by subsection one of this section applies to and in respect of proceedings under  
10 Part III of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, which are pending immediately before the commencement of this Act as well as to and in respect of proceedings taken under that Part after such commencement.

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20 second day of May, one thousand nine hundred and fifty-one, and before the commencement of this Act, and such order has not been executed, the court may, upon application made for the purpose, make any such order in respect of the proceedings as the court might have made had  
25 section two of this Act been in force when the proceedings were taken and the order for the recovery of possession of the prescribed premises was made; and, for that purpose, but without limiting the generality of the power conferred by the foregoing provisions of this subsection,  
30 the court may discharge or rescind the order for the recovery of possession of the prescribed premises or make such other order pursuant to section seventy-one of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, as the court deems fit.

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*Landlord and Tenant (War Service) Amendment.*

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4. Nothing in this Act shall affect the rights of the parties in the matter in which an order for recovery of possession of premises situated at 63 Edinburgh-road, Willoughby, was made on the twenty-third day of May, 5 one thousand nine hundred and fifty-one, and in which Hilda Lillian Polglase was the applicant lessor and Percy John Alexander Ledingham was the respondent lessee. **Saving of certain rights.**







## LANDLORD AND TENANT (WAR SERVICE) AMENDMENT BILL, 1951.

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### EXPLANATORY NOTE.

BEFORE the Supreme Court decided the case of *Polglase v. Ledingham* on 1st May, 1951, the view was widely held that a tenant against whom an eviction order was sought by a "protected person" could submit for the consideration of the court, as evidence of hardship which would be caused to him and other persons by the making of an eviction order, the fact that no alternative accommodation was available to him.

The decision of the Supreme Court referred to above showed that this view was erroneous.

The objects of this Bill are—

- (a) to enable a tenant in future cases of this kind to raise the non-availability of alternative accommodation as evidence of hardship;
- (b) to enable cases of this kind, in which eviction orders were made between 2nd May, 1951, and the commencement of this Bill in reliance on the decision referred to above, to be re-opened and the non-availability of alternative accommodation to be taken into account as evidence of hardship.

The Bill does not affect the rights of the parties to the decision in *Polglase v. Ledingham* as determined by that decision.







PROOF

No. , 1951.

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## A BILL

To amend the Landlord and Tenant (War Service) Amendment Act, 1949, and the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. C. E. MARTIN;—13 *June*, 1951.]

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*Landlord and Tenant (War Service) Amendment.*

(2) The Landlord and Tenant (War Service) Amendment Act, 1949, as amended by this Act, may be cited as the Landlord and Tenant (War Service) Amendment Act, 1949-1951.

5    2. (1) The Landlord and Tenant (War Service) Amendment Act, 1949, is amended by omitting subsection eleven of section four.

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20 second day of May, one thousand nine hundred and fifty-one, and before the commencement of this Act, and such order has not been executed, the court may, upon application made for the purpose, make any such order in respect of the proceedings as the court might have made had  
25 section two of this Act been in force when the proceedings were taken and the order for the recovery of possession of the prescribed premises was made; and, for that purpose, but without limiting the generality of the power conferred by the foregoing provisions of this subsection,  
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*Landlord and Tenant (War Service) Amendment.*

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Saving of  
certain  
rights.



