

*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.*

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 March, 1958.*

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. , 1958.

An Act to amend the law relating to the recovery of tenements; for this purpose to amend the Common Law Procedure Act, 1899, the Landlord and Tenant Act of 1899 and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the Queen'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 "Common Law Procedure and Landlord and Tenant (Amendment) Act, 1958".

Short title
and
citation.

Common Law Procedure and Landlord and Tenant (Amendment).

(2) The Common Law Procedure Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Common Law Procedure Act, 1899-1958.

(3) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act, 1899-1958.

2. The Common Law Procedure Act, 1899, as amended by subsequent Acts, is amended by inserting at the end of section two hundred and twenty-eight the following new proviso :—

10 Provided that where the finding is for the claimant, and
a dwelling-house is situated on the property or on such
part thereof as the jury finds the claimant entitled to,
15 execution shall not issue until such time as the Court or
Judge before whom the cause is tried, having regard to
any hardship that will be caused to the defendant by the
issuing of execution, shall order.

3. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

(a) by inserting at the end of subsection two of section
20 seventeen the following new paragraph :—
Where a dwelling-house is situated on the premises
mentioned in the plaint, the Judge of the Court,
when making any order under this subsection, shall
25 have regard to any hardship that will be caused to
the defendant by the making of the order.

(b) by inserting at the end of section twenty-four the
following new proviso :—
30 Provided that where a dwelling-house is situated
on the land to which the adjudication relates, the
justices, having regard to any hardship that will be
caused to the tenant or occupier by the issuing of
the warrant and other proceedings or the execution
of

Amendment
of Act No.
21, 1899.

Sec. 228.

(Judgment
upon
finding
for
claimant.)

Amendment
of Act No.
18, 1899.

Sec. 17.

(Possession
of tenements
may be
recovered in
District
Courts
by landlords
where terms
have
expired
or been
determined.)

Sec. 24.

(Power of
justices
to suspend
proceedings
on adjudica-
tion for
one month.)

Common Law Procedure and Landlord and Tenant (Amendment).

of the warrant and other proceedings, may postpone the issuing of such warrant and other proceedings under the adjudication, or suspend the execution of such warrant and other proceedings, for such period exceeding one month as the justices shall order.

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COMMON LAW PROCEDURE AND LANDLORD AND TENANT (AMENDMENT) BILL, 1958.

EXPLANATORY NOTE.

THE object of this Bill is to provide that, in ejectment proceedings in any court where a dwelling-house is involved, execution shall not issue until such time as the court, having regard to the hardship that will be caused to the tenant by the execution, may order.

PROOF

No. , 1958.

A BILL

To amend the law relating to the recovery of tenements; for this purpose to amend the Common Law Procedure Act, 1899, the Landlord and Tenant Act of 1899 and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the Queen'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 "Common Law Procedure and Landlord and Tenant (Amendment) Act, 1958".

Short title
and
citation.

Common Law Procedure and Landlord and Tenant (Amendment).

(2) The Common Law Procedure Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Common Law Procedure Act, 1899-1958.

(3) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act, 1899-1958.

2. The Common Law Procedure Act, 1899, as amended by subsequent Acts, is amended by inserting at the end of section two hundred and twenty-eight the following new proviso : —

Amendment of Act No. 21, 1899. Sec. 228.

10 Provided that where the finding is for the claimant, and a dwelling-house is situated on the property or on such part thereof as the jury finds the claimant entitled to execution shall not issue until such time as the Court or Judge before whom the cause is tried, having regard to
15 any hardship that will be caused to the defendant by the issuing of execution, shall order.

(Judgment upon finding for claimant.)

3. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

Amendment of Act No. 18, 1899.

20 (a) by inserting at the end of subsection two of section seventeen the following new paragraph : —

Sec. 17. (Possession of tenements may be recovered in District Courts by landlords where terms have expired or been determined.)

25 Where a dwelling-house is situated on the premises mentioned in the plaint, the Judge of the Court, when making any order under this subsection, shall have regard to any hardship that will be caused to the defendant by the making of the order.

(b) by inserting at the end of section twenty-four the following new proviso : —

Sec. 24. (Power of justices to suspend proceedings on adjudication for one month.)

30 Provided that where a dwelling-house is situated on the land to which the adjudication relates, the justices, having regard to any hardship that will be caused to the tenant or occupier by the issuing of the warrant and other proceedings or the execution of

Common Law Procedure and Landlord and Tenant (Amendment).

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of the warrant and other proceedings, may postpone the issuing of such warrant and other proceedings under the adjudication, or suspend the execution of such warrant and other proceedings, for such period exceeding one month as the justices shall order.

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 10, 1958.

An Act to amend the law relating to the recovery of tenements; for this purpose to amend the Common Law Procedure Act, 1899, the Landlord and Tenant Act of 1899 and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 11th April, 1958.]

BE it enacted by the Queen'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 "Common Law Procedure and Landlord and Tenant (Amendment) Act, 1958".

Short title
and
citation.

Common Law Procedure and Landlord and Tenant (Amendment).

(2) The Common Law Procedure Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Common Law Procedure Act, 1899-1958.

(3) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act, 1899-1958.

Amendment
of Act No.
21, 1899.
Sec. 228.
(Judgment
upon
finding
for
claimant.)

2. The Common Law Procedure Act, 1899, as amended by subsequent Acts, is amended by inserting at the end of section two hundred and twenty-eight the following new proviso :—

Provided that where the finding is for the claimant, and a dwelling-house is situated on the property or on such part thereof as the jury finds the claimant entitled to, execution shall not issue until such time as the Court or Judge before whom the cause is tried, having regard to any hardship that will be caused to the defendant by the issuing of execution, shall order.

Amendment
of Act No.
18, 1899.

3. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

Sec. 17.
(Possession
of tenements
may be
recovered in
District
Courts
by landlords
where terms
have
expired
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determined.)

(a) by inserting at the end of subsection two of section seventeen the following new paragraph :—

Where a dwelling-house is situated on the premises mentioned in the plaint, the Judge of the Court, when making any order under this subsection, shall have regard to any hardship that will be caused to the defendant by the making of the order.

Sec. 24.
(Power of
justices
to suspend
proceedings
on adjudica-
tion for
one month.)

(b) by inserting at the end of section twenty-four the following new proviso :—

Provided that where a dwelling-house is situated on the land to which the adjudication relates, the justices, having regard to any hardship that will be caused to the tenant or occupier by the issuing of the warrant and other proceedings or the execution of

Common Law Procedure and Landlord and Tenant (Amendment).

of the warrant and other proceedings, may postpone the issuing of such warrant and other proceedings under the adjudication, or suspend the execution of such warrant and other proceedings, for such period exceeding one month as the justices shall order.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1958

The State of Tennessee, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the State of Tennessee, to wit: The original of the act of the General Assembly of the State of Tennessee, passed at its regular session, 1938, Chapter 10, Act No. 10, 1938, entitled "An Act to amend the Code of Laws of the State of Tennessee, in relation to the office of the State Auditor."

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 March, 1958, A.M.*

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 10, 1958.

An Act to amend the law relating to the recovery of tenements; for this purpose to amend the Common Law Procedure Act, 1899, the Landlord and Tenant Act of 1899 and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 11th April, 1958.]

BE it enacted by the Queen'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 "Common Law Short title
Procedure and Landlord and Tenant (Amendment) Act, and
1958". 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.

Common Law Procedure and Landlord and Tenant (Amendment).

(2) The Common Law Procedure Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Common Law Procedure Act, 1899-1958.

(3) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act, 1899-1958.

Amendment
of Act No.
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Provided that where the finding is for the claimant, and a dwelling-house is situated on the property or on such part thereof as the jury finds the claimant entitled to, execution shall not issue until such time as the Court or Judge before whom the cause is tried, having regard to any hardship that will be caused to the defendant by the issuing of execution, shall order.

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(a) by inserting at the end of subsection two of section seventeen the following new paragraph :—

Where a dwelling-house is situated on the premises mentioned in the plaint, the Judge of the Court, when making any order under this subsection, shall have regard to any hardship that will be caused to the defendant by the making of the order.

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(b) by inserting at the end of section twenty-four the following new proviso :—

Provided that where a dwelling-house is situated on the land to which the adjudication relates, the justices, having regard to any hardship that will be caused to the tenant or occupier by the issuing of the warrant and other proceedings or the execution of

Common Law Procedure and Landlord and Tenant (Amendment).

of the warrant and other proceedings, may postpone the issuing of such warrant and other proceedings under the adjudication, or suspend the execution of such warrant and other proceedings, for such period exceeding one month as the justices shall order.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 11th April, 1958.*

