

LANDLORD AND TENANT (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 24 November, 1960.*

No. 1.—Page 3, clause 3, line 35. *Omit* “sixty-three” and *insert* in lieu thereof
“sixty-two”.

No. 2.—Page 4, clause 3, line 4. *Omit* “sixty-three” and *insert* in lieu thereof
“sixty-two”.

LANDLORD AND TENANT (AMENDMENT) BILL.

Schedule of Amendments referred to in Legislative Council's
Message of 24 November, 1960.

- No. 1—Page 3, clause 3, line 22. Omit "sixty-three" and insert in lieu thereof
"sixty-two".
- No. 2—Page 4, clause 3, line 4. Omit "sixty-three" and insert in lieu thereof
"sixty-two".

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, 22 November, 1960.*

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

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 24 November, 1960.*

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

Act No. , 1960.

An Act to amend the law relating to landlord and tenant; for this purpose to amend the Landlord and Tenant Act, 1899–1958, and the Landlord and Tenant (Amendment) Act, 1948–1958; 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 "Landlord and Tenant (Amendment) Act, 1960".

Short title and citation.

(2) 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, 1899-1960.

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67—

(3)

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

Landlord and Tenant (Amendment).

(3) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1960.

5 2. (1) The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended— Amendment of Act No. 18, 1899.

(a) by inserting next after section two the following new section : — New sec. 2A.

10 2A. (1) No action of ejectment in the Supreme Court or a District Court, or proceedings under section seventeen of this Act, for the recovery of any land or premises or part of any land or premises from the tenant or any person claiming under him who is actually occupying such land or premises or part shall be commenced by the landlord if there is situated on the land, or the premises are or include, a dwelling-house and— Restriction on actions of ejectment and proceedings under section seventeen of this Act.

20 (a) where the term or interest of such tenant or person has not expired or been determined, if—

- (i) such tenant or person is liable to the payment of rent; and
- (ii) such rent does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period; or

25 (b) where the term or interest of such tenant or person has expired or been determined, if—

- (i) such tenant or person was immediately before the expiration or determination of such term or interest liable to the payment of rent; and
- (ii) such rent did not immediately before such expiration or determination exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

(2)

Landlord and Tenant (Amendment).

- (2) In any case where by reason only of the provisions of subsection one of this section a landlord is precluded from commencing any action or proceedings, referred to in that subsection, he may take proceedings under Part IV of this Act for the recovery of possession of the land or premises concerned and the provisions of that Part shall where applicable apply, mutatis mutandis, to any such proceedings.
- 5
- (b) by inserting at the end of section eighteen the following new subsection:—
- 10
- (6) This section does not apply where the premises are or include a dwelling-house.
- Sec. 18.
(Possession of small tenements may be recovered in District Court by landlords for non-payment of rent.)
- (c) by inserting at the end of section twenty-six the following new subsection:—
- 15
- (3) This section does not apply where there is situated on the land in question a dwelling-house and the rent payable in respect of the land does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.
- 20
- Sec. 26.
(Execution of warrant to be suspended upon security to defend an action for recovery of the land.)
- (2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- 25
3. The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—
- Amendment of Act No. 25, 1948.
- (a) by inserting in paragraph (u) of subsection five of section sixty-two after the words “residential purposes” the words “and has an estate in the land on which that accommodation is situated”;
- 30
- Sec. 62.
(Restriction on eviction.)
- (b) by omitting from subsections one and (1A) of section sixty-five the words “one thousand nine hundred and sixty-one” wherever occurring and by inserting in lieu thereof the words “one thousand nine hundred and ~~sixty-three~~ sixty-two”;
- 35
- Sec. 65.
(Notice to quit where dwelling-house sold.)
- (c)

Landlord and Tenant (Amendment).

(c) by omitting from subsection two of section seventy Sec. 70.
the words "one thousand nine hundred and sixty- (Court to
one" and by inserting in lieu thereof the words "one consider
thousand nine hundred and ~~sixty-three~~ **sixty-two**". hardship.)

5 4. The order made on the fifth day of August, one Rescission
thousand nine hundred and fifty-nine, by the Governor of order
pursuant to the provisions of subsection two of section six under
the Landlord and Tenant (Amendment) Act, 1948-1958, and section six
published in Gazette No. 86 of the seventh day of August, of this Act.
10 one thousand nine hundred and fifty-nine, is hereby rescinded.

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, 22 November, 1960.*

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

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, November, 1960.*

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

Act No. , 1960.

An Act to amend the law relating to landlord and tenant; for this purpose to amend the Landlord and Tenant Act, 1899-1958, and the Landlord and Tenant (Amendment) Act, 1948-1958; 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 "Landlord and Tenant (Amendment) Act, 1960".

Short title
and
citation.

(2) 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, 1899-1960.

20041 67—

(3)

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

Landlord and Tenant (Amendment).

(3) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1960.

5 2. (1) The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended— Amendment of Act No. 18, 1899.

(a) by inserting next after section two the following new section :— New sec. 2A.

10 2A. (1) No action of ejectment in the Supreme Court or a District Court, or proceedings under section seventeen of this Act, for the recovery of any land or premises or part of any land or premises from the tenant or any person claiming under him who is actually occupying such land or premises or part shall be commenced by the landlord if there is situated on the land, or the premises are or include, a dwelling-house and— Restriction on actions of ejectment and proceedings under section seventeen of this Act.

15 (a) where the term or interest of such tenant or person has not expired or been determined, if— 20

(i) such tenant or person is liable to the payment of rent; and

(ii) such rent does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period; or 25

(b) where the term or interest of such tenant or person has expired or been determined, if—

(i) such tenant or person was immediately before the expiration or determination of such term or interest liable to the payment of rent; and 30

(ii) such rent did not immediately before such expiration or determination exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period. 35

Landlord and Tenant (Amendment).

- (2) In any case where by reason only of the provisions of subsection one of this section a landlord is precluded from commencing any action or proceedings, referred to in that subsection, he may take proceedings under Part IV of this Act for the recovery of possession of the land or premises concerned and the provisions of that Part shall where applicable apply, mutatis mutandis, to any such proceedings.
- 5
- (b) by inserting at the end of section eighteen the following new subsection :—
- 10 (6) This section does not apply where the premises are or include a dwelling-house.
- Sec. 18.
(Possession of small tenements may be recovered in District Court by landlords for non-payment of rent.)
- (c) by inserting at the end of section twenty-six the following new subsection :—
- 15 (3) This section does not apply where there is situated on the land in question a dwelling-house and the rent payable in respect of the land does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.
- 20 Sec. 26.
(Execution of warrant to be suspended upon security to defend an action for recovery of the land.)
- (2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- 25 **3.** The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—
- Amendment of Act No. 25, 1948.
- (a) by inserting in paragraph (u) of subsection five of section sixty-two after the words “residential purposes” the words “and has an estate in the land on which that accommodation is situated”;
- 30 Sec. 62.
(Restriction on eviction.)
- (b) by omitting from subsections one and (1A) of section sixty-five the words “one thousand nine hundred and sixty-one” wherever occurring and by inserting in lieu thereof the words “one thousand nine hundred and ~~sixty-three~~ **sixty-two**”;
- 35 Sec. 65.
(Notice to quit where dwelling-house sold.)
- (c)

Landlord and Tenant (Amendment).

(c) by omitting from subsection two of section seventy Sec. 70.
the words "one thousand nine hundred and sixty- (Court to
one" and by inserting in lieu thereof the words "one consider
thousand nine hundred and ~~sixty three~~ **sixty-two**". hardship.)

5 4. The order made on the fifth day of August, one Rescission
thousand nine hundred and fifty-nine, by the Governor of order
pursuant to the provisions of subsection two of section six of under
the Landlord and Tenant (Amendment) Act, 1948-1958, and section six
published in Gazette No. 86 of the seventh day of August, of this Act.
10 one thousand nine hundred and fifty-nine, is hereby rescinded.

No. , 1960.

A BILL

To amend the law relating to landlord and tenant; for this purpose to amend the Landlord and Tenant Act, 1899-1958, and the Landlord and Tenant (Amendment) Act, 1948-1958; and for purposes connected therewith.

[MR. MANNIX;—26 *October*, 1960.]

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 "Landlord and Tenant (Amendment) Act, 1960".

Short title
and
citation.

(2) 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, 1899-1960.

Landlord and Tenant (Amendment).

(3) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1960.

5 2. (1) The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended— Amendment of Act No. 18, 1899.

(a) by inserting next after section two the following new section :— New sec. 2A.

10 2A. (1) No action of ejectment in the Supreme Court or a District Court, or proceedings under section seventeen of this Act, for the recovery of any land or premises or part of any land or premises from the tenant or any person claiming under him who is actually occupying such land or premises or part shall be commenced by the landlord if there is situated on the land, or the premises are or include, a dwelling-house and— Restriction on actions of ejectment and proceedings under section seventeen of this Act.

15 (a) where the term or interest of such tenant or person has not expired or been determined, if— 20

(i) such tenant or person is liable to the payment of rent; and

25 (ii) such rent does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period; or

(b) where the term or interest of such tenant or person has expired or been determined, if—

30 (i) such tenant or person was immediately before the expiration or determination of such term or interest liable to the payment of rent; and

35 (ii) such rent did not immediately before such expiration or determination exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

(2)

Landlord and Tenant (Amendment).

5 (2) In any case where by reason only of the provisions of subsection one of this section a landlord is precluded from commencing any action or proceedings, referred to in that subsection, he may take proceedings under Part IV of this Act for the recovery of possession of the land or premises concerned and the provisions of that Part shall where applicable apply, mutatis mutandis, to any such proceedings.

10 (b) by inserting at the end of section eighteen the following new subsection :—
 (6) This section does not apply where the premises are or include a dwelling-house.

Sec. 18.
 (Possession of small tenements may be recovered in District Court by landlords for non-payment of rent.)

15 (c) by inserting at the end of section twenty-six the following new subsection :—
 (3) This section does not apply where there is situated on the land in question a dwelling-house and the rent payable in respect of the land does not exceed twelve pounds twelve shillings per week, or
 20 an equivalent sum calculated in respect of any other period.

Sec. 26.
 (Execution of warrant to be suspended upon security to defend an action for recovery of the land.)

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

25 **3.** The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—
 Amendment of Act No. 25, 1948.

(a) by omitting paragraph (u) of subsection five of section sixty-two;
 (Restriction on eviction.)

30 (b) by omitting from subsections one and (1A) of section sixty-five the words "one thousand nine hundred and sixty-one" wherever occurring and by inserting in lieu thereof the words "one thousand nine hundred and sixty-three";
 (c)

Sec. 65.
 (Notice to quit where dwelling-house sold.)

Landlord and Tenant (Amendment).

- (c) by omitting from subsection two of section seventy the words "one thousand nine hundred and sixty-one" and by inserting in lieu thereof the words "one thousand nine hundred and sixty-three"; Sec. 70.
(Court to consider hardship.)
- 5 (d) by omitting from section one hundred the symbols and letter "(u)"; Sec. 100.
(Limitation on power of court to make order for recovery of possession.)
- (e) by omitting from subsection two of section one hundred and one the symbols and letter "(u)". Sec. 101.
(Protection of protected person claiming under lessee where tenancy determined.)

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, 22 November, 1960.*

New South Wales



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5 follows :—

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(2) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited
10 as the Landlord and Tenant Act, 1899-1960.

Landlord and Tenant (Amendment).

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(a) by inserting next after section two the following new section : — New sec. 2A.

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- (i) such tenant or person is liable to the payment of rent; and
- (ii) such rent does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period; or 25

(b) where the term or interest of such tenant or person has expired or been determined, if—

- (i) such tenant or person was immediately before the expiration or determination of such term or interest liable to the payment of rent; and 30
- (ii) such rent did not immediately before such expiration or determination exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period. 35

(2)

Landlord and Tenant (Amendment).

(2) In any case where by reason only of the provisions of subsection one of this section a landlord is precluded from commencing any action or proceedings, referred to in that subsection, he may take proceedings under Part IV of this Act for the recovery of possession of the land or premises concerned and the provisions of that Part shall where applicable apply, mutatis mutandis, to any such proceedings.

(b) by inserting at the end of section eighteen the following new subsection :—
 (6) This section does not apply where the premises are or include a dwelling-house.

Sec. 18.
 (Possession of small tenements may be recovered in District Court by landlords for non-payment of rent.)

(c) by inserting at the end of section twenty-six the following new subsection :—
 (3) This section does not apply where there is situated on the land in question a dwelling-house and the rent payable in respect of the land does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

Sec. 26.
 (Execution of warrant to be suspended upon security to defend an action for recovery of the land.)

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

3. The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—

Amendment of Act No. 25, 1948.

(a) by inserting in paragraph (u) of subsection five of section sixty-two after the words "residential purposes" the words "and has an estate in the land on which that accommodation is situated";

Sec. 62.
 (Restriction on eviction.)

(b) by omitting from subsections one and (1A) of section sixty-five the words "one thousand nine hundred and sixty-one" wherever occurring and by inserting in lieu thereof the words "one thousand nine hundred and sixty-three";

Sec. 65.
 (Notice to quit where dwelling-house sold.)

(c)

Landlord and Tenant (Amendment).

(c) by omitting from subsection two of section seventy Sec. 70.
the words "one thousand nine hundred and sixty- (Court to
one" and by inserting in lieu thereof the words "one consider
thousand nine hundred and sixty-three". hardship.)

5 4. The order made on the fifth day of August, one Rescission
thousand nine hundred and fifty-nine, by the Governor of order
pursuant to the provisions of subsection two of section six under
of the Landlord and Tenant (Amendment) Act, 1948-1958, and section six
published in Gazette No. 86 of the seventh day of August, of this Act.
10 one thousand nine hundred and fifty-nine, is hereby rescinded.

LANDLORD AND TENANT (AMENDMENT) BILL, 1960.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to amend the Landlord and Tenant Act of 1899, as amended by subsequent Acts, so that justices will have exclusive jurisdiction to make orders for the recovery of possession of premises by landlords where the premises are or include a dwelling-house rented at £12 12s. 0d. per week or less ;
- (b) to omit as a prescribed ground for a notice to quit paragraph (u) of section 62 (5) of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, the operation of that paragraph having been suspended by order under that Act, as so amended, since 7th August, 1959 ;
- (c) to extend to 1st January, 1963—
 - (i) the operation of the provisos to subsections (1) and (1A) of section 65 of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, relating to the period of notices to quit where a dwelling-house is required for occupation by the purchaser ;
 - (ii) the operation of subsection (2) of section 70 of the said Act, as so amended, relating to matters to be taken into consideration by the court where recovery of a dwelling-house is sought on certain specified grounds ;
- (d) to make other amendments of a consequential or ancillary nature.

LANDLORD AND TENANT (AMENDMENT) BILL, 1980

EXPLANATORY NOTE

is as

to

The object of this Bill is—

(1) to amend the Landlord and Tenant Act 1954 so as to extend the provisions of that Act to those cases in which the tenant is not a tenant at will or a tenant at sufferance, but a tenant at an assured tenancy, and to provide that the provisions of that Act shall apply to such cases as if the tenant were a tenant at will or a tenant at sufferance;

(2) to amend the Landlord and Tenant Act 1954 so as to provide that, where the tenant is not a tenant at will or a tenant at sufferance, but a tenant at an assured tenancy, the provisions of that Act shall apply to such cases as if the tenant were a tenant at will or a tenant at sufferance;

(3) to amend the Landlord and Tenant Act 1954 so as to provide that, where the tenant is not a tenant at will or a tenant at sufferance, but a tenant at an assured tenancy, the provisions of that Act shall apply to such cases as if the tenant were a tenant at will or a tenant at sufferance;

(4) to amend the Landlord and Tenant Act 1954 so as to provide that, where the tenant is not a tenant at will or a tenant at sufferance, but a tenant at an assured tenancy, the provisions of that Act shall apply to such cases as if the tenant were a tenant at will or a tenant at sufferance;

(5) to amend the Landlord and Tenant Act 1954 so as to provide that, where the tenant is not a tenant at will or a tenant at sufferance, but a tenant at an assured tenancy, the provisions of that Act shall apply to such cases as if the tenant were a tenant at will or a tenant at sufferance;

(6) to amend the Landlord and Tenant Act 1954 so as to provide that, where the tenant is not a tenant at will or a tenant at sufferance, but a tenant at an assured tenancy, the provisions of that Act shall apply to such cases as if the tenant were a tenant at will or a tenant at sufferance;

No. , 1960.

A BILL

To amend the law relating to landlord and tenant; for this purpose to amend the Landlord and Tenant Act, 1899-1958, and the Landlord and Tenant (Amendment) Act, 1948-1958; and for purposes connected therewith.

[MR. MANNIX;—26 October, 1960.]

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 "Landlord and Tenant (Amendment) Act, 1960".

Short title
and
citation.

(2) 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, 1899-1960.

Landlord and Tenant (Amendment).

(3) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1960.

5 2. (1) The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended— Amendment of Act No. 18, 1899.

(a) by inserting next after section two the following new section :— New sec. 2A.

10 2A. (1) No action of ejectment in the Supreme Court or a District Court, or proceedings under section seventeen of this Act, for the recovery of any land or premises or part of any land or premises from the tenant or any person claiming under him who is actually occupying such land or premises or part shall be commenced by the landlord if there is situated on the land, or the premises are or include, a dwelling-house and— Restriction on actions of ejectment and proceedings under section seventeen of this Act.

15 (a) where the term or interest of such tenant or person has not expired or been determined, if— 20

(i) such tenant or person is liable to the payment of rent; and

25 (ii) such rent does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period; or

(b) where the term or interest of such tenant or person has expired or been determined, if—

30 (i) such tenant or person was immediately before the expiration or determination of such term or interest liable to the payment of rent; and

35 (ii) such rent did not immediately before such expiration or determination exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

(E)

(2)

Landlord and Tenant (Amendment).

- (2) In any case where by reason only of the provisions of subsection one of this section a landlord is precluded from commencing any action or proceedings, referred to in that subsection, he may take proceedings under Part IV of this Act for the recovery of possession of the land or premises concerned and the provisions of that Part shall where applicable apply, mutatis mutandis, to any such proceedings.
- 5
- 10 (b) by inserting at the end of section eighteen the following new subsection:—
- (6) This section does not apply where the premises are or include a dwelling-house.
- 15
- 20 (c) by inserting at the end of section twenty-six the following new subsection:—
- (3) This section does not apply where there is situated on the land in question a dwelling-house and the rent payable in respect of the land does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.
- (2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- 25 **3.** The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—
- (a) by omitting paragraph (u) of subsection five of section sixty-two;
- (b) by omitting from subsections one and (1A) of section sixty-five the words "one thousand nine hundred and sixty-one" wherever occurring and by inserting in lieu thereof the words "one thousand nine hundred and sixty-three";
- (c)
- Sec. 18.
(Possession of small tenements may be recovered in District Court by landlords for non-payment of rent.)
- Sec. 26.
(Execution of warrant to be suspended upon security to defend an action for recovery of the land.)
- Amendment of Act No. 25, 1948.
- Sec. 62.
(Restriction on eviction.)
- Sec. 65.
(Notice to quit where dwelling-house sold.)

Landlord and Tenant (Amendment).

- (c) by omitting from subsection two of section seventy the words "one thousand nine hundred and sixty-one" and by inserting in lieu thereof the words "one thousand nine hundred and sixty-three"; Sec. 70.
(Court to consider hardship.)
- 5 (d) by omitting from section one hundred the symbols and letter "(u)"; Sec. 100.
(Limitation on power of court to make order for recovery of possession.)
- (e) by omitting from subsection two of section one hundred and one the symbols and letter "(u)". Sec. 101.
(Protection of protected person claiming under lessee where tenancy determined.)

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

Act No. 55, 1960.

An Act to amend the law relating to landlord and tenant; for this purpose to amend the Landlord and Tenant Act, 1899–1958, and the Landlord and Tenant (Amendment) Act, 1948–1958; and for purposes connected therewith. [Assented to, 1st December, 1960.]

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 "Landlord and Tenant (Amendment) Act, 1960".

Short title
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(2) 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, 1899-1960.

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Landlord and Tenant (Amendment).

(3) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1960.

Amendment
of Act No.
18, 1899.

2. (1) The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

New sec. 2A.

(a) by inserting next after section two the following new section :—

Restriction
on actions
of ejectment
and
proceedings
under
section
seventeen
of this Act.

2A. (1) No action of ejectment in the Supreme Court or a District Court, or proceedings under section seventeen of this Act, for the recovery of any land or premises or part of any land or premises from the tenant or any person claiming under him who is actually occupying such land or premises or part shall be commenced by the landlord if there is situated on the land, or the premises are or include, a dwelling-house and—

(a) where the term or interest of such tenant or person has not expired or been determined, if—

- (i) such tenant or person is liable to the payment of rent; and
- (ii) such rent does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period; or

(b) where the term or interest of such tenant or person has expired or been determined, if—

- (i) such tenant or person was immediately before the expiration or determination of such term or interest liable to the payment of rent; and
- (ii) such rent did not immediately before such expiration or determination exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

(2)

Landlord and Tenant (Amendment).

(2) In any case where by reason only of the provisions of subsection one of this section a landlord is precluded from commencing any action or proceedings, referred to in that subsection, he may take proceedings under Part IV of this Act for the recovery of possession of the land or premises concerned and the provisions of that Part shall where applicable apply, mutatis mutandis, to any such proceedings.

(b) by inserting at the end of section eighteen the following new subsection :—

Sec. 18.
(Possession of small tenements may be recovered in District Court by landlords for non-payment of rent.)

(6) This section does not apply where the premises are or include a dwelling-house.

(c) by inserting at the end of section twenty-six the following new subsection :—

Sec. 26.
(Execution of warrant to be suspended upon security to defend an action for recovery of the land.)

(3) This section does not apply where there is situated on the land in question a dwelling-house and the rent payable in respect of the land does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

3. The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—

Amendment of Act No. 25, 1948.

(a) by inserting in paragraph (u) of subsection five of section sixty-two after the words "residential purposes" the words "and has an estate in the land on which that accommodation is situated";

Sec. 62.
(Restriction on eviction.)

(b) by omitting from subsections one and (1A) of section sixty-five the words "one thousand nine hundred and sixty-one" wherever occurring and by inserting in lieu thereof the words "one thousand nine hundred and sixty-two";

Sec. 65.
(Notice to quit where dwelling-house sold.)

(c)

Landlord and Tenant (Amendment).

Sec. 70.
(Court to
consider
hardship.)

(c) by omitting from subsection two of section seventy the words "one thousand nine hundred and sixty-one" and by inserting in lieu thereof the words "one thousand nine hundred and sixty-two".

Rescission
of order
under
section six
of this Act.

4. The order made on the fifth day of August, one thousand nine hundred and fifty-nine, by the Governor pursuant to the provisions of subsection two of section six of the Landlord and Tenant (Amendment) Act, 1948-1958, and published in Gazette No. 86 of the seventh day of August, one thousand nine hundred and fifty-nine, is hereby rescinded.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1960

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, 24 November, 1960.*

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

Act No. 55, 1960.

An Act to amend the law relating to landlord and tenant; for this purpose to amend the Landlord and Tenant Act, 1899–1958, and the Landlord and Tenant (Amendment) Act, 1948–1958; and for purposes connected therewith. [Assented to, 1st December, 1960.]

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 "Landlord and Tenant (Amendment) Act, 1960".

Short title
and
citation.

(2) 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, 1899-1960.

(3)

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

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Landlord and Tenant (Amendment).

(3) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1960.

Amendment of Act No. 18, 1899. 2. (1) The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

New sec. 2A. (a) by inserting next after section two the following new section :—

Restriction on actions of ejectment and proceedings under section seventeen of this Act.

2A. (1) No action of ejectment in the Supreme Court or a District Court, or proceedings under section seventeen of this Act, for the recovery of any land or premises or part of any land or premises from the tenant or any person claiming under him who is actually occupying such land or premises or part shall be commenced by the landlord if there is situated on the land, or the premises are or include, a dwelling-house and—

(a) where the term or interest of such tenant or person has not expired or been determined, if—

- (i) such tenant or person is liable to the payment of rent; and
- (ii) such rent does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period; or

(b) where the term or interest of such tenant or person has expired or been determined, if—

- (i) such tenant or person was immediately before the expiration or determination of such term or interest liable to the payment of rent; and
- (ii) such rent did not immediately before such expiration or determination exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

(2)

Landlord and Tenant (Amendment).

(2) In any case where by reason only of the provisions of subsection one of this section a landlord is precluded from commencing any action or proceedings, referred to in that subsection, he may take proceedings under Part IV of this Act for the recovery of possession of the land or premises concerned and the provisions of that Part shall where applicable apply, mutatis mutandis, to any such proceedings.

- (b) by inserting at the end of section eighteen the following new subsection:—
- (6) This section does not apply where the premises are or include a dwelling-house.

Sec. 18.
(Possession of small tenements may be recovered in District Court by landlords for non-payment of rent.)

- (c) by inserting at the end of section twenty-six the following new subsection:—
- (3) This section does not apply where there is situated on the land in question a dwelling-house and the rent payable in respect of the land does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

Sec. 26.
(Execution of warrant to be suspended upon security to defend an action for recovery of the land.)

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

3. The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—

Amendment of Act No. 25, 1948.

- (a) by inserting in paragraph (u) of subsection five of section sixty-two after the words "residential purposes" the words "and has an estate in the land on which that accommodation is situated";
- (b) by omitting from subsections one and (1A) of section sixty-five the words "one thousand nine hundred and sixty-one" wherever occurring and by inserting in lieu thereof the words "one thousand nine hundred and sixty-two";
- (c)

Sec. 62.
(Restriction on eviction.)

Sec. 65.
(Notice to quit where dwelling-house sold.)

Landlord and Tenant (Amendment).

Sec. 70.
(Court to
consider
hardship.)

(c) by omitting from subsection two of section seventy the words "one thousand nine hundred and sixty-one" and by inserting in lieu thereof the words "one thousand nine hundred and sixty-two".

Rescission
of order
under
section six
of this Act.

4. The order made on the fifth day of August, one thousand nine hundred and fifty-nine, by the Governor pursuant to the provisions of subsection two of section six of the Landlord and Tenant (Amendment) Act, 1948-1958, and published in Gazette No. 86 of the seventh day of August, one thousand nine hundred and fifty-nine, is hereby rescinded.

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

K. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney 1st December, 1960.*