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.*

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 26 *November,* 1969, A.M.

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1969.

An Act to amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; 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. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1969". Short title.

2.

96521 136—

2. The Landlord and Tenant (Amendment) Act, 1948, is amended— Amendment of Act No. 25, 1948.

(a) (i) by inserting in paragraph (a) of subparagraph (i) of paragraph (d) of subsection one of section 5A after the word "sixty-nine" the words ", or that was occupied personally by the lessor or his predecessor in title on or after that day"; Sec. 5A. (Parts II, III, IV and V of this Act not to apply to certain premises.)

(ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";

(iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;

(iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";

(v) by omitting paragraph (c) of subparagraph (ii) of paragraph (d) of the same subsection;

(vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph:—

(iii) the lease of which is after that day registered in the office of the Rent Controller;

(vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate";

(viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

(b) (i) by inserting in paragraph (b) of subsection ten of section 17A after the words "Rent Controller" the words "or his delegate"; Sec. 17A. (Fixing of rent of prescribed premises by agreement.)

(ii)

(ii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

(c) by inserting in paragraph (e) of subsection one of section twenty-one after the word "Act" where firstly occurring the words "or of a determination made under Division 4AA of this Part"; Sec. 21. (Matters to be considered.)

(d) (i) by omitting from paragraph (a) of subsection one of section 31MFA the word "or" where thirdly occurring; Sec. 31MFA. (Variations of determinations.)

(ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph:—

made; or

(c) the amount determined as the current value rental was incorrectly calculated,

(e) by inserting at the end of section 31MHA the following new subsections:— Sec. 31MHA. (Notice of application.)

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

the

the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

(f) by omitting from paragraph (j) of subsection two of section thirty-two the words "used for business or commercial purposes" and by inserting in lieu thereof the symbol and words ", and are not a dwelling-house"; Sec. 32. (Variation of determination.)

(g) by inserting next after subsection one of section forty-four the following new subsection :— Sec. 44. (Summoning of witnesses and production of documents.)

(1A) A request for the issue of a summons under subsection one of this section shall be accompanied by a fee of two dollars or, where another fee has been prescribed in lieu thereof, by that other fee.

3. (1) The Landlord and Tenant Act, 1899, is amended— Amendment of Act No. 18, 1899.

(a) by omitting from section 2D the word "seventy-two" and by inserting in lieu thereof the word "seventy-one"; Sec. 2D. (Certain amendments of Act effective on and from 1/1/1969 until 31/12/1972.)

(b) (i) by inserting at the end of section 2E, as appearing in Schedule N, the following new subsection :— New sec. 2E.

(3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

(ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;

(iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph :—

and

(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words "first day of January, one thousand nine hundred and sixty-nine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, is amended— Amendment of Act No. 58, 1968.

(a) by omitting from subsection two of section seven the word "seventy-two" and by inserting in lieu thereof the word "seventy-one"; Sec. 7. (Amendment of Act No. 18, 1899.)

(b) by omitting from subsection two of section eight the word "seventy-two" and by inserting in lieu thereof the word "seventy-one". Sec. 8. (Amendment of Common Law Procedure Act, 1899.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969
[5c]

No. , 1969.

A BILL

To amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith.

[MR MADDISON—19 *November*, 1969.]

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. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1969". Short title.

2.

96521 136—

2. The Landlord and Tenant (Amendment) Act, 1948, is amended— Amendment of Act No. 25, 1948.

(a) (i) by inserting in paragraph (a) of subparagraph (i) of paragraph (d) of subsection one of section 5A after the word "sixty-nine" the words ", or that was occupied personally by the lessor or his predecessor in title on or after that day"; Sec. 5A. (Parts II, III, IV and V of this Act not to apply to certain premises.)

(ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";

(iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;

(iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";

(v) by omitting paragraph (c) of subparagraph (ii) of paragraph (d) of the same subsection;

(vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph:—

(iii) the lease of which is after that day registered in the office of the Rent Controller;

(vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate";

(viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

(b) (i) by inserting in paragraph (b) of subsection ten of section 17A after the words "Rent Controller" the words "or his delegate"; Sec. 17A. (Fixing of rent of prescribed premises by agreement.)

(ii)

(ii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

(c) by inserting in paragraph (e) of subsection one of section twenty-one after the word "Act" where firstly occurring the words "or of a determination made under Division 4AA of this Part"; Sec. 21. (Matters to be considered.)

(d) (i) by omitting from paragraph (a) of subsection one of section 31MFA the word "or" where thirdly occurring; Sec. 31MFA. (Variations of determinations.)

(ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph:—

made; or

(c) the amount determined as the current value rental was incorrectly calculated,

(e) by inserting at the end of section 31MHA the following new subsections:— Sec. 31MHA. (Notice of application.)

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

the

the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

(f) by omitting from paragraph (j) of subsection two of section thirty-two the words "used for business or commercial purposes" and by inserting in lieu thereof the symbol and words ", and are not a dwelling-house"; Sec. 32. (Variation of determination.)

(g) by inserting next after subsection one of section forty-four the following new subsection :— Sec. 44. (Summoning of witnesses and production of documents.)

(1A) A request for the issue of a summons under subsection one of this section shall be accompanied by a fee of two dollars or, where another fee has been prescribed in lieu thereof, by that other fee.

3. (1) The Landlord and Tenant Act, 1899, is amended— Amendment of Act No. 18, 1899.

(a) by omitting from section 2D the word "seventy-two" and by inserting in lieu thereof the word "seventy-one"; Sec. 2D. (Certain amendments of Act effective on and from 1/1/1969 until 31/12/1972.)

(b) (i) by inserting at the end of section 2E, as appearing in Schedule N, the following new subsection :— New sec. 2E.

(3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

(ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;

(iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph :—

and

(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words "first day of January, one thousand nine hundred and sixty-nine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, is amended— Amendment of Act No. 58, 1968.

(a) by omitting from subsection two of section seven the word "seventy-two" and by inserting in lieu thereof the word "seventy-one"; Sec. 7. (Amendment of Act No. 18, 1899.)

(b) by omitting from subsection two of section eight the word "seventy-two" and by inserting in lieu thereof the word "seventy-one". Sec. 8. (Amendment of Common Law Procedure Act, 1899.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969
[5c]

LANDLORD AND TENANT (AMENDMENT) BILL, 1969

EXPLANATORY NOTE

THE objects of this Bill are—

(a) to extend the operation of section 5A of the Landlord and Tenant (Amendment) Act, 1948, so that a dwelling-house or residential unit occupied personally by the lessor or his predecessor in title on or after 1st January, 1969, is not subject to Parts II, III, IV and V of that Act;

(b) to require leases of dwelling-houses and residential units referred to in section 5A (1) (d) of the Landlord and Tenant (Amendment) Act, 1948, to be registered in the office of the Rent Controller if those premises are to be premises to which that section applies;

(c) to enable a Fair Rents Board to vary a current value rental if it was incorrectly calculated;

(d) to enable a Fair Rents Board to set aside a current value rental if notice of the hearing of the application for the determination of that rental was not given as required;

(e) to require the payment of a fee for the issue of certain summonses under the Landlord and Tenant (Amendment) Act, 1948;

(f) to provide that the amendments included in Schedule N to the Landlord and Tenant Act, 1899, shall operate until 31st December, 1971, instead of 31st December, 1972;

(g) to prevent a landlord from obtaining possession of excluded premises referred to in the amendments included in Schedule N to the Landlord and Tenant Act, 1899, otherwise than in accordance with a court order;

(h) to make other amendments of a minor or ancillary character.

96521 136—

PROOF

No. , 1969.

A BILL

To amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith.

[MR MADDISON—19 *November*, 1969.]

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. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1969". Short title.

2.

96521 136—

2. The Landlord and Tenant (Amendment) Act, 1948, is amended— Amendment of Act No. 25, 1948.

(a) (i) by inserting in paragraph (a) of subparagraph (i) of paragraph (d) of subsection one of section 5A after the word "sixty-nine" the words ", or that was occupied personally by the lessor or his predecessor in title on or after that day"; Sec. 5A. (Parts II, III, IV and V of this Act not to apply to certain premises.)

(ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";

(iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;

(iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";

(v) by omitting paragraph (c) of subparagraph (ii) of paragraph (d) of the same subsection;

(vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph:—

(iii) the lease of which is after that day registered in the office of the Rent Controller;

(vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate";

(viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

(b) (i) by inserting in paragraph (b) of subsection ten of section 17A after the words "Rent Controller" the words "or his delegate"; Sec. 17A. (Fixing of rent of prescribed premises by agreement.)

(ii)

(ii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

(c) by inserting in paragraph (e) of subsection one of section twenty-one after the word "Act" where firstly occurring the words "or of a determination made under Division 4AA of this Part"; Sec. 21. (Matters to be considered.)

(d) (i) by omitting from paragraph (a) of subsection one of section 31MFA the word "or" where thirdly occurring; Sec. 31MFA. (Variations of determinations.)

(ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph:—

made; or

(c) the amount determined as the current value rental was incorrectly calculated,

(e) by inserting at the end of section 31MHA the following new subsections:— Sec. 31MHA. (Notice of application.)

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

the

the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

(f) by omitting from paragraph (j) of subsection two of section thirty-two the words "used for business or commercial purposes" and by inserting in lieu thereof the symbol and words ", and are not a dwelling-house"; Sec. 32. (Variation of determination.)

(g) by inserting next after subsection one of section forty-four the following new subsection :— Sec. 44. (Summoning of witnesses and production of documents.)

(1A) A request for the issue of a summons under subsection one of this section shall be accompanied by a fee of two dollars or, where another fee has been prescribed in lieu thereof, by that other fee.

3. (1) The Landlord and Tenant Act, 1899, is amended— Amendment of Act No. 18, 1899.

(a) by omitting from section 2D the word "seventy-two" and by inserting in lieu thereof the word "seventy-one"; Sec. 2D. (Certain amendments of Act effective on and from 1/1/1969 until 31/12/1972.)

(b) (i) by inserting at the end of section 2E, as appearing in Schedule N, the following new subsection :— New sec. 2E.

(3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

(ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;

(iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph :—

and

(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words "first day of January, one thousand nine hundred and sixty-nine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, is amended— Amendment of Act No. 58, 1968.

(a) by omitting from subsection two of section seven the word "seventy-two" and by inserting in lieu thereof the word "seventy-one"; Sec. 7. (Amendment of Act No. 18, 1899.)

(b) by omitting from subsection two of section eight the word "seventy-two" and by inserting in lieu thereof the word "seventy-one". Sec. 8. (Amendment of Common Law Procedure Act, 1899.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 76, 1969.

An Act to amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

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. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1969". Short title.

2.

Amendment of Act No. 25, 1948.

2. The Landlord and Tenant (Amendment) Act, 1948, is amended—

Sec. 5A. (Parts II, III, IV and V of this Act not to apply to certain premises.)

(a) (i) by inserting in paragraph (a) of subparagraph (i) of paragraph (d) of subsection one of section 5A after the word "sixty-nine" the words ", or that was occupied personally by the lessor or his predecessor in title on or after that day";

(ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";

(iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;

(iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";

(v) by omitting paragraph (c) of subparagraph (ii) of paragraph (d) of the same subsection;

(vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph:—

(iii) the lease of which is after that day registered in the office of the Rent Controller;

(vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate";

(viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

Sec. 17A. (Fixing of rent of prescribed premises by agreement.)

(b) (i) by inserting in paragraph (b) of subsection ten of section 17A after the words "Rent Controller" the words "or his delegate";

(ii)

(ii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

(c) by inserting in paragraph (e) of subsection one of section twenty-one after the word "Act" where firstly occurring the words "or of a determination made under Division 4AA of this Part"; Sec. 21. (Matters to be considered.)

(d) (i) by omitting from paragraph (a) of subsection one of section 31MFA the word "or" where thirdly occurring; Sec. 31MFA. (Variations of determinations.)

(ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph :—

made; or

(c) the amount determined as the current value rental was incorrectly calculated,

(e) by inserting at the end of section 31MHA the following new subsections :— Sec. 31MHA. (Notice of application.)

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

the

the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

Sec. 32. (Variation of determination.)

(f) by omitting from paragraph (j) of subsection two of section thirty-two the words "used for business or commercial purposes" and by inserting in lieu thereof the symbol and words ", and are not a dwelling-house";

Sec. 44. (Summoning of witnesses and production of documents.)

(g) by inserting next after subsection one of section forty-four the following new subsection:—

(1A) A request for the issue of a summons under subsection one of this section shall be accompanied by a fee of two dollars or, where another fee has been prescribed in lieu thereof, by that other fee.

Amendment of Act No. 18, 1899.

3. (1) The Landlord and Tenant Act, 1899, is amended—

Sec. 2D. (Certain amendments of Act effective on and from 1/1/1969 until 31/12/1972.)

(a) by omitting from section 2D the word "seventy-two" and by inserting in lieu thereof the word "seventy-one";

New sec. 2E.

(b) (i) by inserting at the end of section 2E, as appearing in Schedule N, the following new subsection:—

(3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

(ii)

(ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;

(iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph:—

and

(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words "first day of January, one thousand nine hundred and sixty-nine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, is amended— Amendment of Act No. 58, 1968.

(a) by omitting from subsection two of section seven the word "seventy-two" and by inserting in lieu thereof the word "seventy-one"; Sec. 7. (Amendment of Act No. 18, 1899.)

(b) by omitting from subsection two of section eight the word "seventy-two" and by inserting in lieu thereof the word "seventy-one". Sec. 8. (Amendment of Common Law Procedure Act, 1899.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 27 *November,* 1969.

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 76, 1969.

An Act to amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

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. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1969". **Short title.**

2.

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Amendment of Act No. 25, 1948.

2. The Landlord and Tenant (Amendment) Act, 1948, is amended—

Sec. 5A. (Parts II, III, IV and V of this Act not to apply to certain premises.)

(a) (i) by inserting in paragraph (a) of subparagraph (i) of paragraph (d) of subsection one of section 5A after the word "sixty-nine" the words ", or that was occupied personally by the lessor or his predecessor in title on or after that day";

(ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";

(iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;

(iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";

(v) by omitting paragraph (c) of subparagraph (ii) of paragraph (d) of the same subsection;

(vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph:—

(iii) the lease of which is after that day registered in the office of the Rent Controller;

(vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate";

(viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

Sec. 17A. (Fixing of rent of prescribed premises by agreement.)

(b) (i) by inserting in paragraph (b) of subsection ten of section 17A after the words "Rent Controller" the words "or his delegate";

(ii)

(ii) by omitting from subsection eleven of the same section the words "by the Rent Controller";

(c) by inserting in paragraph (e) of subsection one of section twenty-one after the word "Act" where firstly occurring the words "or of a determination made under Division 4AA of this Part"; Sec. 21. (Matters to be considered.)

(d) (i) by omitting from paragraph (a) of subsection one of section 31MFA the word "or" where thirdly occurring; Sec. 31MFA. (Variations of determinations.)

(ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph:—

made; or

(c) the amount determined as the current value rental was incorrectly calculated,

(e) by inserting at the end of section 31MHA the following new subsections:— Sec. 31MHA. (Notice of application.)

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

the

the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

Sec. 32. (Variation of determination.)

(f) by omitting from paragraph (j) of subsection two of section thirty-two the words "used for business or commercial purposes" and by inserting in lieu thereof the symbol and words ", and are not a dwelling-house";

Sec. 44. (Summoning of witnesses and production of documents.)

(g) by inserting next after subsection one of section forty-four the following new subsection:—

(1A) A request for the issue of a summons under subsection one of this section shall be accompanied by a fee of two dollars or, where another fee has been prescribed in lieu thereof, by that other fee.

Amendment of Act No. 18, 1899.

3. (1) The Landlord and Tenant Act, 1899, is amended—

Sec. 2D. (Certain amendments of Act effective on and from 1/1/1969 until 31/12/1972.)

(a) by omitting from section 2D the word "seventy-two" and by inserting in lieu thereof the word "seventy-one";

New sec. 2E.

(b) (i) by inserting at the end of section 2E, as appearing in Schedule N, the following new subsection:—

(3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

(ii)

(ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;

(iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph :—

and

(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words "first day of January, one thousand nine hundred and sixty-nine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, is amended— Amendment of Act No. 58, 1968.

(a) by omitting from subsection two of section seven the word "seventy-two" and by inserting in lieu thereof the word "seventy-one"; Sec. 7. (Amendment of Act No. 18, 1899.)

(b) by omitting from subsection two of section eight the word "seventy-two" and by inserting in lieu thereof the word "seventy-one". Sec. 8. (Amendment of Common Law Procedure Act, 1899.)

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 3rd December, 1969.