



ANNO QUARTO

ELIZABETHAE II REGINAE

A.D. 1955

No. 20 of 1955

An Act to amend the Landlord and Tenant (Control of Rents) Act, 1942-1954.

[Assented to 24th November, 1955.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows :

Short titles.

1. (1) This Act may be cited as the "Landlord and Tenant (Control of Rents) Act Amendment Act, 1955".

(2) The Landlord and Tenant (Control of Rents) Act, 1942-1954, as amended by this Act, may be cited as the "Landlord and Tenant (Control of Rents) Act, 1942-1955".

Reference to principal Act.

2. The Landlord and Tenant (Control of Rents) Act, 1942-1951, as reprinted pursuant to the Amendments Incorporation Act, 1937, and section 46 of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1951, and as amended by the Landlord and Tenant (Control of Rents) Act Amendment Act, 1952, the Landlord and Tenant (Control of Rents) Act Amendment Act, 1953, and the Landlord and Tenant (Control of Rents) Act Amendment Act, 1954, is hereinafter referred to as "the principal Act", and any reference in this Act to any provision of the principal Act shall be construed as a reference to that Act as so reprinted and amended.

Amendment of principal Act—
s. 6—
Exemption from Act.

3. Section 6 is amended by inserting therein after subsection (2a) thereof the following subsection :—

(2b) If any lease in writing of any dwellinghouse is entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1955, and

if the lease provides that the term thereof shall commence from a date specified in the lease and shall terminate upon a date specified in the lease, then the provisions of this Act relating to the control of rents shall not apply with respect to any rent payable under the lease in respect of the term so specified in the lease.

4. Section 21 of the principal Act is amended by striking out the words "twenty-seven and one-half" in the eighth line of subsection (2) thereof and by inserting in lieu thereof the words "thirty-three and one-third".

Amendment of principal Act, s. 21—
Basis of fixing rent.

5. Section 42 of the principal Act is amended—

(a) by striking out paragraph (k) of subsection (6) thereof;

Amendment of principal Act, s. 42—
Notice to quit.

(b) by inserting after the word "In" in the first line of subsection (7) thereof the passage "subsection (3) and";

(c) by striking out the words "if the lessor" in the second line of subsection (9) thereof and by inserting in lieu thereof the words "by a lessor who is";

(d) by striking out the words "if the purchaser" in the sixth line of subsection (9) thereof and by inserting in lieu thereof the words "by a purchaser who is".

6. The following section is enacted and inserted in the principal Act after section 55b thereof:—

Enactment of s. 55c of principal Act—

55c (1) Notwithstanding section 42, but subject to this section, the lessor of any dwellinghouse may, at any time after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1955, give notice to quit to the lessee thereof, on the ground that the dwellinghouse is reasonably needed for the occupation as a dwellinghouse by the lessor, or by a son or daughter, or the father or mother of the lessor.

Recovery of possession of premises in certain cases.

(2) Notice to quit shall not be given under this section except subject to the following provisions:—

i. With the notice to quit, there shall be served on the lessee by the lessor, a statutory declaration by the lessor declaring that the dwellinghouse is reasonably needed for occupation by the lessor,

1955. Landlord and Tenant (Control of Rents) No. 20.
Act Amendment Act, 1955.

or by a son or daughter, or the father or mother of the lessor, as the case may be, and setting out the full name and particulars of the accommodation then occupied by that person :

II. The notice to quit given to the lessee shall be for a period of not less than six months.

(3) On the hearing of any proceedings for an order for the recovery of possession of the dwellinghouse, or the ejection of the lessee therefrom, if proof is given (the onus of which proof shall be on the lessor) that the notice to quit was given in accordance with this section, the court shall make the order without taking into consideration any of the matters mentioned in subsection (1) of section 49.

(4) Except as otherwise provided by this section, the provisions of this Part shall apply with respect to any such notice to quit or proceedings.

(5) Nothing in this section shall limit the right of the lessor under any other provision of this Act.

(6) Section 45 shall not apply to any notice to quit given under this section.

Amendment of
principal Act,
s. 64—
Protection
of certain
persons in
possession
of premises.

7. Section 64 of the principal Act is amended by striking out the words "not being a lodger or boarder" in the second line thereof and by inserting in lieu thereof the words "being the wife, husband, father, mother, son or daughter of the lessee."

Enactment of
s. 103a of
principal Act—

8. The following section is enacted and inserted in the principal Act after section 103 thereof:—

Provision for
payment of
rent on sale of
premises.

103a. If the lessor under any lease of any premises to which this Act applies—

(a) transfers, conveys or assigns his interest as lessor to any other person ; and

(b) notice of the transfer, conveyance or assignment and of the name and address of such other person is not given to the lessee,

any payment of rent or tender of payment of rent under the lease by the lessee to the lessor by whom the transfer conveyance or assignment is made or to a person to whom the rent has been previously customarily paid shall be deemed to be a valid payment or tender of payment, as the case may be, of that rent.

1955. Landlord and Tenant (Control of Rents) No. 20.
Act Amendment Act, 1955.

67

9. Section 123 of the principal Act is amended by striking out the word "fifty-five" in the second line thereof and by inserting in lieu thereof the word "fifty-six".

Amendment of
principal Act,
s. 123—
Duration of
Act.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

R. A. GEORGE, Governor.