



ANNO SEXTO

ELIZABETHAE II REGINAE

A.D. 1957.

No. 53 of 1957.

An Act to amend the Landlord and Tenant (Control of Rents) Act, 1942-1957.

[Assented to 21st November, 1957.]

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

1. (1) This Act may be cited as the "Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957". Short titles.

(2) The Landlord and Tenant (Control of Rents) Act, 1942-1957, as amended by this Act, may be cited as the "Landlord and Tenant (Control of Rents) Act, 1942-1957".

2. The Landlord and Tenant (Control of Rents) Act, 1942-1955, 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, 1956 and the Landlord and Tenant (Control of Rents) Act Amendment Act, 1957, 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. Reference to principal Act.

3. Section 6 of the principal Act is amended by inserting therein after subsection (2b) thereof the following subsection :— Amendment of s. 6 of principal Act—Exemptions.

(2c) If after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957,

the lessor and the lessee under a lease of any premises for a term of not less than six months agree in writing as to the amount of the rent thereof, then (whether the rent of the premises has been determined under this Act or otherwise) the provisions of this Act relating to the control of rents shall not apply with respect to the rent payable under that lease or under any holding over by the tenant after the expiry of the lease.

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

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

Amendment of principal Act, ss. 24 and 38—
Recovery of overpaid rent.

5. (1) Section 24 of the principal Act is amended by adding at the end thereof the following proviso :—

Provided that if any such sum is paid after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, it shall be recoverable as aforesaid or may be deducted from any rent as aforesaid at any time within twelve months after the date of payment.

(2) Section 38 of the principal Act is amended by adding at the end thereof the following proviso :—

Provided that if any such sum is paid after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, it shall be recoverable as aforesaid or may be deducted from any rent as aforesaid at any time within twelve months after the date of payment.

Amendment of principal Act, ss. 42 and 55c—
Notice to quit by alien.

6. (1) Section 42 of the principal Act is amended by inserting after the passage "subsection (6)" in the second line of subsection (9) thereof the words "and, after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, notice to quit pursuant to section 55c on the ground that the premises are reasonably needed for the occupation as a dwelling-house by the lessor, or by a son or daughter, or by father or mother of the lessor".

(2) Section 55c of the principal Act is amended by inserting after the word "section" in the second line of subsection (1) thereof the passage "and to subsection (9) of section 42".

Amendment of principal Act, s. 55c—
Recovery of possession of premises in certain cases.

7. Section 55c of the principal Act is amended by—

(a) inserting therein after subsection (2) the following subsection :—

(2a) Notice to quit on the ground that possession of a dwellinghouse is required for the purpose of

facilitating the sale thereof shall not be given unless at the time of giving the notice the lessor—

- (a) is a British subject and has been the owner of the dwellinghouse for at least three years; or
 - (b) is an executor or administrator who desires to sell the dwellinghouse for the purpose of the administration of the estate of a deceased person;
- (b) inserting after the word “lessor” in the fourth line of subsection (3) the words “of the existence of the grounds of the notice to quit and”.

8. Section 55d of the principal Act is amended—

- (a) by striking out all the words in subsection (3) beginning with the word “notwithstanding” in the tenth line and inserting in lieu thereof the words “the person so letting the dwellinghouse shall not later than fourteen days after the lease commences give notice in writing to the trust of the letting. Such notice shall be in the prescribed form and contain all the particulars indicated in the form. If a person fails to give a notice in accordance with this subsection he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds”; and
- (b) by striking out subsections (4) and (5) thereof.

Amendment of s. 55d of principal Act—
Restriction on letting of certain dwelling-houses.

9. Section 60 of the principal Act is amended—

- (a) by inserting after the figures “55” in the third line thereof the passage “or if, after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, a notice to quit is given pursuant to section 55c on the ground that the premises are reasonably needed for the occupation as a dwelling-house by the lessor, or by a son or daughter or the father or mother of the lessor”;
- (b) by adding at the end of paragraph (b) of subsection (2) thereof the word “; or”;
- (c) by adding at the end of subsection (2) thereof after paragraph (b) thereof the following paragraph :—
 - (c) where notice to quit has been given pursuant to subsection (1) of section 55c on the ground that the premises are reasonably

Amendment of principal Act, s. 60—
Restriction on sale of premises in certain cases.

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needed by occupants as a dwelling-house by a son, daughter, father or mother of the lessor, the letting of the premises to that son, daughter, father or mother, as the case may be.

Enactment of s. 103b of principal Act—

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

Tender of rent.

103b. (1) If any rent in respect of any premises to which this Act applies is customarily paid to a person by the lessee and notice has not been given to the lessee by or on behalf of the lessor stating that the rent is to be paid to some other person, then payment or tender of the rent to the first mentioned person shall be deemed to be a valid payment or tender of payment, as the case may be, of the rent.

(2) If the lessee of any premises to which this Act applies or some person on his behalf forwards by post to the lessor or to the person to whom the rent is customarily paid a letter containing bank notes, postal notes, or money orders to the value of any rent to be paid in respect of the premises and if the lessor or other person refuses to accept delivery of the letter, the amount of the value of the bank notes, postal notes, or money orders, as the case may be, contained in the letter shall be deemed to have been validly tendered as rent.

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

11. Section 123 of the principal Act is amended by striking out the word "fifty-seven" in the second line thereof and by inserting in lieu thereof the word "fifty-eight".

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

R. A. GEORGE, Governor.