

1955.] *Rents and Tenancies Emergency* [No. 19.
Provisions.

**RENTS AND TENANCIES EMERGENCY
PROVISIONS.**

4° Elizabeth II., No. XIX.

No. 19 of 1955.

**AN ACT to amend the Rents and Tenancies
Emergency Provisions Act, 1951-1954.**

[Assented to 1st November, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Rents and Tenancies Emergency Provisions Act Amendment Act, 1955.*

Short title
and citation.

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(2) In this Act the Rents and Tenancies Emergency Provisions Act, 1951-1954,

Approved for reprint, 11th August, 1955.

Act No. 47 of 1951 as reprinted with amendments to and including Act No. 10 of 1954 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Rents and Tenancies Emergency Provisions Act, 1951-1955.

Ss. 10, 11, 12 and 12A repealed.

2. The principal Act is amended by repealing sections ten, eleven, twelve and twelve A.

S. 13 amended.
Cf. No. 10 of 1954, s. 8 (a) which added the proviso to par. (b) of subs. (1) of s. 13.

3. Section thirteen of the principal Act is amended—

(a) by deleting the proviso to paragraph (b) of subsection (1) and substituting therefor the following proviso:—

Provided that where a lessor gives a lessee notice to quit or terminate the tenancy of any premises the rent of such premises on and after the date of such notice shall not, except by a determination of the inspector or the Court, as the case may be, exceed the amount of rent lawfully chargeable, on the first day of the month before the month in which such notice is given. ;

(b) by adding after the word, “leased” in line six and again in line eight of paragraph (a) of subsection (2), the words, “or the supply or provision of any domestic service”.

Ss. 17, 18, 19, 20 and 20A repealed.

4. The principal Act is amended by repealing sections seventeen, eighteen, nineteen, twenty and twenty A.

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5. Section twenty B of the principal Act is amended—

S 20B
amended.
Cf. No. 10 of
1954, s. 11
which
repealed and
re-enacted
s. 20B.

(a) by deleting the passage, “(other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty)” in lines three, four, five and six, of subsection (1);

(b) by inserting after the word “premises” in line four of subsection (2) the passage “or a lessee the period of whose tenancy is three-monthly or more than three-monthly”;

(c) by adding after the word, “Court” being the last word in the proviso to subsection (2), the passage, “unless the Court on the hearing of an application by the lessor is satisfied that the lessee or a person in occupation of the premises has before or during that period of three months or that period of twelve months, as the case may be—

(a) failed to pay the rent for a period of twenty-eight days from the due date for payment;

(b) failed to perform or observe some other term or condition of the lease and the performance or observance of that other term or condition has not been waived or excused by the lessor;

(c) failed to take reasonable care of the premises or of any goods leased therewith, or has committed waste;

(d) been guilty of conduct which is a nuisance or annoyance to adjoining or neighbouring occupiers;

(e) been convicted, or any other person has been convicted, during the currency of the lease, of any offence arising out of the use of the premises for any illegal purpose, or that a Court has found or declared that the

premises have, during the currency of the lease, been used for an illegal purpose; or

- (f) become the occupant of the premises by virtue of an assignment or a transfer to which the lessor has not consented, or of which the lessor has not approved,

and the Court makes an order authorising the lessor to give notice to quit or terminate the tenancy before the expiration of that period of three months or that period of twelve months, as the case requires”;

- (d) by deleting the passage, “(other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty)” in lines three, four, five and six of subsection (3);
- (e) by substituting for the word “fifty-five” in section (4) the word “fifty-six”.

S. 29A
added.

6. The principal Act is amended by adding after section twenty-nine the following section:—

Protection of
lessee where
inspector
exercises
power.

29A. Where an inspector serves notice in writing of his intention to exercise any power conferred upon him by or under this Act, upon a lessor or an agent of the lessor of premises, the lessor shall not issue or give or cause to be given notice to quit, or terminate the tenancy of, the premises within twenty-eight days of service of the notice of intention.

S. 33
amended.

7. Section thirty-three of the principal Act is amended by substituting for the word “fifty-five” in line three, the word “fifty-six”.
