

INCREASE OF RENT (WAR RESTRICTIONS).

5° and 6° GEO. VI., No. XLVIII.

No. 48 of 1941.

AN ACT to amend the Increase of Rent (War Restrictions) Act, 1939.

[Assented to 15th January, 1942.]

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

1. This Act may be cited as the *Increase of Rent (War Restrictions) Act Amendment Act, 1941*, and shall be read as one with the Increase of Rent (War Restrictions) Act, 1939 (No. 45 of 1939), hereinafter referred to as the principal Act. Short title.

2. Section five of the principal Act is amended by deleting from subsection (2) thereof the whole of paragraph (b). Amendment of s. 5 of the principal Act.

3. Section eight of the principal Act is amended by deleting from subsection (1) the word "five" in line three and substituting the word "six." Amendment of s. 8 of the principal Act.

4. Sections are inserted in the principal Act after section twelve as follows:— New sections.

12A. Any sum paid as rent in excess of the standard rent or fair rent, as the case may be, lawfully payable for the premises concerned, or any payment wrongfully received or charged contrary to the provisions of subsection (2) of section five or of subsection (1) (b) (i) of section six of this Act shall be recoverable by the lessee by whom it was paid from the lessor who received the payment and may, with- Recovery of sums paid in excess of the standard or fair rent, etc.

out prejudice to any other method of recovery, be deducted from any rent payable by such lessee to such lessor.

The rights and remedies created by this section may be enforced or exercised, whether or not any proceedings are taken under the penal provisions of this Act.

Offences and penalties.

12B. Any person who receives rent for any premises in excess of the standard rent or fair rent, as the case may be, lawfully payable for the premises concerned, and any person who receives any payment or makes any charge contrary to the provisions of subsection (2) of section five or of subsection (1) (b) (i) of section six of this Act shall be guilty of an offence against this Act. Penalty fifty pounds.

Prosecutions for offences against this Act may be commenced upon a complaint made by any person being a lessee who is aggrieved, or the Minister, or any person authorised by him in writing, and shall be dealt with summarily under and in accordance with the provisions of the Justices Act, 1902-1936. Such prosecution shall be heard and determined by the police or resident magistrate, sitting alone, of the district in which the prosecution is brought.

Citation of principal Act as amended.

5. The principal Act as amended by this Act may be cited as the *Increase of Rent (War Restrictions) Act, 1939-1941*.