

DISTRESS FOR RENT ABOLITION.

1° EDWD. VIII., No. XXXVIII.

No. 38 of 1936.

AN ACT to abolish distress for Rent and for other relative purposes.

[Assented to 11th December, 1936.]

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 *Distress for Rent* Short title. *Abolition Act, 1936.*

Abolition of distress for rent due.

2. After the commencement of this Act no distress for rent shall be levied or made.

Any distress for rent which is pending not to be proceeded with.

3. Where prior to the date of the commencement of this Act any person has levied or made any distress for rent and the goods and chattels distrained have not been sold, the distress shall not be proceeded with, and shall be deemed to be withdrawn without prejudice to the right of the person making the distress to recover the amount distrained for and the costs of making the distress from the person liable for the rent as a debt in any court of competent jurisdiction.

Restriction of remedies of mortgagee or annuitant against tenant. See 56 Vict., No. 14, s. 112.

4. In lieu of the power of distress for rent contained in section one hundred and twelve of the Transfer of Land Act, 1893, as against the tenant or occupier for arrears of any interest or annuity therein referred to, the person to whom the interest or annuity is due may, subject to the proviso in the said section as to liability, recover the same in any court of competent jurisdiction as a debt from the occupier or tenant of the land mentioned in the mortgage or charge.

Saving of right to recover by action.

5. Nothing in this Act shall prejudice or affect the right of a person to whom rent is due to recover the same as a debt from the person liable to pay the same in any court of competent jurisdiction.

Landlord may determine tenancy.

6. After the coming into operation of this Act a landlord or lessor may, upon two days' notice in writing to the tenant or lessee, determine any tenancy or lease, where any rent due under such tenancy or lease has remained unpaid for a period of seven days, and may at the end of such notice bring proceedings in ejectment under the Justices Act, 1902-1932, the provisions of which shall, subject to this Act, apply thereto *mutatis mutandis*.