



Western Australia

## **Distress for Rent Abolition Act 1936**

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## **Distress for Rent Abolition Act 1936**

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## **Distress for Rent Abolition Act 1936**

**An Act to abolish distress for rent and for other relative purposes.**

**1. Short title**

This Act may be cited as the *Distress for Rent Abolition Act 1936*<sup>1</sup>.

**2. Abolition of distress for rent due**

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

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

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goods and chattels distrained have not been sold, the distress shall not be proceeded with, and shall be deemed to be withdrawn without prejudice to the right of the person making the distress to recover the amount distrained for and the costs of making the distress from the person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.

**4. Restriction of remedies of mortgagee or annuitant against tenant**

In lieu of the power of distress for rent contained in section 112 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

**s. 5**

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any court of competent jurisdiction as a debt from the occupier or tenant of the land mentioned in the mortgage or charge.

**5. Saving of right to recover by action**

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.

[6. *Deleted: No. 59 of 2004 s. 141.*]

**Notes**

- <sup>1</sup> This is a compilation of the *Distress for Rent Abolition Act 1936* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Distress for Rent Abolition Act 1936</i>	38 of 1936	11 Dec 1936	11 Dec 1936
<i>Distress for Rent Abolition Act Amendment Act 1941</i>	14 of 1941	7 Nov 1941	7 Nov 1941
<i>Residential Tenancies Act 1987 s. 89</i>	128 of 1987	21 Jan 1988	1 Oct 1989 (see s. 2 and <i>Gazette</i> 18 Aug 1989 p. 2748)
<b>Reprint 1: The <i>Distress for Rent Abolition Act 1936</i> as at 4 July 2003</b> (includes amendments listed above)			
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i>	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)