

## RENTS AND TENANCIES EMERGENCY PROVISIONS.

15° and 16° Geo. VI., No. XLVII.

No. 47 of 1951.

AN ACT relating to Rents and Recovery of Possession of Certain Premises and incidental matters.

[Assented to 20th December, 1951.]

BE it enacted by the King'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:—

### PART I.—PRELIMINARY.

Short title

1. This Act may be cited as the *Rents and Tenancies Emergency Provisions Act, 1951.*

Repeal

2. The Increase of Rent (War Restrictions) Act, 1939-1950, is repealed.

*Note.*—In the marginal notes to this Act the reference, "regulations restricting", is to the increase of Rent (War Restrictions) Act, Recovery of Possession and Restriction on Eviction Regulations published in the *Gazettes* of 3rd Sept., 1948, at pp. 1951-1958; 1st Nov., 1948, at pp. 2637-8; 10th Dec., 1948, at p. 2935; 20th May, 1949, at p. 1070; 8th July, 1949, at p. 1419; 11th Nov., 1949, at p. 2835; 31st Aug., 1951, at p. 2364; and the reference, "regulations procedural" is to the Increase of Rent (War Restrictions) Act Regulations, 1940 published in the *Gazettes* of 9th Feb., 1940, at pp. 190-192; 23rd Feb., 1940, at pp. 286-287; 31st Oct., 1941, at p. 1531; 21st May, 1948, at p. 1098.

3. The provisions of this Act are arranged as follows:— Arrangement.

PART I.—PRELIMINARY.

PART II.—ADMINISTRATION.

PART III.—RENTS.

PART IV.—RECOVERY OF POSSESSION OF  
PREMISES.

PART V.—PROTECTED PERSONS.

PART VI.—MISCELLANEOUS.

4. In this Act, unless the context requires otherwise— Interpretation.

Acts mentioned include Acts passed in amendment of or substitution for the Acts mentioned;

“Court” means a Local Court exercising authority by virtue of the provisions of this Act and constituted by a Stipendiary, Police or Resident Magistrate, and held nearest the premises concerned;

“inspector” means a person appointed to the office of rent inspector pursuant to the provisions of this Act;

“lease” includes a contract, whether made orally or in writing or by deed, or imposed pursuant to the provisions of this Act or the repealed Act, or however made or subsisting, for the leasing or subleasing of premises to which the provisions of this Act apply, either with or without the use of fittings or furniture or other goods, or the supply or provision of any domestic service, and includes an arrangement relating to the use of premises, which arrangement is declared by the Court, pursuant to the provisions of subsection (2) of the next succeeding section, to be a lease of premises to which the provisions of this Act apply; Cr. s. 5 (3)  
post.

“lessor” and “lessee” mean the respective parties to a lease and their respective successors in title;

“premises” means all premises except those to which the provisions of this Act are declared by or pursuant to the provisions of this Act not to apply;

“protected person” means a protected person referred to in Part V. of this Act;

“rates” means rates imposed pursuant to the provisions of the *Municipal Corporations Act, 1906*, the *Road Districts Act, 1919*, the *Health Act, 1911*, and all sewerage, sanitary, storm water drainage and water rates and charges other than excess sewerage and water rates and charges;

“rent” means the actual consideration in money or money’s worth derived from the lease by the lessor from the lessee;

“repealed Act” means the *Increase of Rent (War Restrictions) Act, 1939*.

Application of this Act to premises. Cf. ss. 4 and 4A of the repealed Act.

5. (1) The provisions of this Act apply to all premises, including a part of premises where the part is separately leased, except—

(a) premises of which the lessor or lessee is—

- (i) the Crown in right of the Commonwealth or the State;
- (ii) an instrumentality of the Crown in right of the Commonwealth or the State;
- (iii) the State Housing Commission constituted pursuant to the provisions of the *State Housing Act, 1946*;
- (iv) the McNess Housing Trust constituted pursuant to the provisions of the *McNess Housing Act, 1930*;

(b) premises in respect of which there subsists a publican’s general license, an hotel license, a wayside-house license, an Australian wine and beer license, or an Australian wine license, issued pursuant to the provisions of the *Licensing Act, 1911*;

- (c) premises which for the time being are used, or which are ordinarily used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary;
- (d) premises leased for holiday purposes where the period of lease to any one lessee does not exceed twelve weeks;
- (e) where and to the extent that they are premises excluded by the regulations from the application of this Act.

(2) The Court may declare an arrangement relating to the use of premises to be a lease of premises to which the provisions of this Act apply, if the arrangement, although made otherwise than in the form of a lease, should, in the opinion of the Court, having regard to the substance of the arrangement, be regarded as a lease for the purpose of giving effect to the objects and intention of this Act.

Cf. s. 18D of  
the repealed  
Act.

## PART II.—ADMINISTRATION.

6. (1) The Minister may appoint such persons to the office of rent inspector as he considers necessary for the purposes of this Act.

Rent  
Inspectors.

(2) Occupants of the office shall not, as such, be subject to the provisions of the *Public Service Act, 1904*, or liable for anything done or omitted in good faith in the reasonable belief that it was necessary in carrying out the duties of the office.

7. Notwithstanding the provisions of any other Act or law, every Local Court established pursuant to the provisions of the *Local Courts Act, 1904*, is by virtue of this Act authorised to exercise the powers conferred by this Act upon the Court, and to entertain, hear and determine applications, appeals and other matters referred to, and enforce orders made and judgments pronounced by, the Court pursuant to the provisions of this Act.

Authority  
conferred  
upon Local  
Courts.

Expenses of  
administra-  
tion.

8. The moneys necessary for the administration and the expenses of this Act shall be paid out of moneys provided by Parliament for the purpose.

### PART III.—RENTS.

Interpre-  
tation.  
Cf. ss. 2, 5  
and 12F of  
the repealed  
Act.

9. In this Part, unless the context requires otherwise—

“increased outgoings” in respect of premises, means the amount, not already included in the rent of the premises, of increase, if any, in rates, taxes, charges for cleaning, and for the supply of hot water, gas and electricity, and for insurance, which increase is payable pursuant to the lease by the lessor in respect of the premises;

“specified day” means the day on which this Act comes into operation.

Pegging of  
rents.  
Cf. s. 5 of  
the repealed  
Act.

10. Notwithstanding the provisions of any lease in force at any time after the specified day, the rent of premises for any period after that day and during the operation of this Act, shall not exceed the rent ascertained in accordance with the provisions of this Part.

11. (1) In the case of premises leased for a fixed term—

Rents of  
premises.  
Cf. ss. 7-12A  
of the  
repealed  
Act.

(a) where the lease is entered into before the specified day and the rent being charged pursuant to the lease does not exceed that lawfully chargeable in accordance with the provisions of the repealed Act as last in operation, the rent during the term shall be the rent so being charged;

(b) where the lease is entered into after the specified day for a fixed term exceeding twelve months, the rent during the term shall be the rent determined in the case of premises referred to in subsection (2) of section thirteen of this Act—by an inspector, and in the case of other premises—by the Court.

(2) Subject to the provisions of this Act relating to the determination of the amount of the rent of premises by a Judge of the Supreme Court, a Local Court, or an inspector—

- (a) in the case of premises leased at the specified day, and, in the case of premises which are not leased at that day but were leased prior to that day, the rent on and after that day shall not exceed—
  - (i) the full amount of rent lawfully chargeable in accordance with the provisions of the repealed Act as last in operation, whether in fact that full amount or less than that full amount was being charged; and in addition—
  - (ii) unless the amount of the rent has, since the first day of January, one thousand nine hundred and fifty-one, been determined by a Judge, Court, or an inspector, such sum not exceeding ten per centum of that full amount of rent as the lessor and the lessee agree from time to time in writing, which agreement shall be exempt from Stamp Duty; and
  - (iii) increased outgoings, if any;
- (b) in the case of premises which have never been previously leased and are leased after the specified day, the rent shall not exceed that at which the premises are first leased and in addition increased outgoings, if any.

12. Rent of premises shall not be increased by the amount of increase authorised by the last preceding section—

Conditions  
applying to  
authorised  
increases  
of rent.

- (a) unless the lessor apportions payment of the amount of increase in equal payments payable with each periodical day appointed by the lease of the premises for payment of rent during a period of not less than one year commencing with the expiration of the notice mentioned in paragraph (c) of this section;

- (b) where the premises are a part of premises which part is leased separately, unless the lessor apportions payment of the amount of increase as required in the last preceding paragraph and also in the ratio which the rent of that part bears to the total of the rents for the whole of the premises, or if the whole of the premises are not leased, to the fair and reasonable rental value of the whole of the premises;
  - (c) unless the lessor gives fourteen days' notice of his intention so to increase the rent;
- nor until—
- (d) the expiration of the notice.

Determina-  
tion of  
rents.  
Cf. s. 15  
post.

13. (1) The lessor or lessee of premises may, subject to the provisions of subsection (4) of this section and of section fifteen of this Act, from time to time make application for the amount of the rent of the premises to be determined.

(2) (a) Where the premises are part of premises which part is leased separately for residential purposes, the lessor or the lessee may make application in writing to a rent inspector appointed under the hand of the Minister to determine the fair rent thereof, including also premises with goods leased therewith. The rent inspector may determine the fair rent of the leased premises together with goods leased therewith, and such determination shall come into force on a date fixed by him, but the date so fixed shall not be earlier than seven days after the date of the determination. The lessor and lessee concerned shall be notified in writing of such determination and the date fixed on which it comes into force.

(b) Where any fair rent has been determined in pursuance of this subsection, it shall, as from the date on which the determination comes into force and until varied by the Court on appeal or by a subsequent determination of the rent inspector, be the rent of the leased premises in respect of which it was fixed.





of the premises shall not make application for a variation of that amount of rent within six months of the determination, unless—

- (a) by an error or omission, an injustice has been occasioned by that determination;
- (b) since the determination, substantial alterations or additions have been made to the premises;
- (c) since the determination the accommodation provided in the premises has been materially increased or decreased, or if the lease provides for the use of furniture, goods, fittings or the provision or supply of domestic services, there has been a substantial increase or decrease of all or any of them;
- (d) for a determination of the full amount of the rent lawfully chargeable in accordance with the provisions of the repealed Act as last in operation; or
- (e) for a determination of the question as to whether increased outgoings are or are not already included in the amount of rent of the premises.

Cf. s. 11 ante, "full amount of rent."

Premises intended to be let.  
Cf. s. 12E of the repealed Act.

16. A person who is entitled and intends to let premises may, subject to the provisions of the last preceding section, apply to an inspector or a Court, as the case may be, for a determination of the amount of the rent of the premises, and the amount of the rent as determined shall, unless and until varied in pursuance of the provisions of this Act, be the rent of those premises.

#### PART IV.—RECOVERY OF POSSESSION OF PREMISES.

Application.  
Cf. regulation restricting.  
*Gazette* 3rd September, 1948, and amendments.

17. (1) In this section, "specified day" means the thirty-first day of December, one thousand nine hundred and fifty.

(2) The provisions of this Part do not—

- (a) affect the rights at law of parties to a lease entered into after the specified day;

Cf. s. 15 (4) of the repealed Act.

- (b) affect the rights at law of parties to a lease of a dwelling-house ordinarily used for the occupation by persons employed by the lessor;  
Cf. regulation 3 (5) (j) of the regulations restricting.
- (c) enable the lessor of premises leased at the specified day for a fixed term, to terminate the lease before the expiration of the term, or thereafter in contravention of the provisions of this Part, to recover possession of the premises from the occupant who, having occupied them as the lessee, continues in occupation of the premises after the expiration of the term, or to eject him from the premises;  
Cf. s. 15A (5) (b) of the repealed Act.
- (d) unless the period of the tenancy is monthly or less than monthly, enable the lessor of premises, the subject of a periodic tenancy, at the specified day to terminate the tenancy before the time when, irrespective of this Act, the tenancy is terminable at law, or thereafter in contravention of the provisions of this Part, to recover possession of the premises from the occupant who, having occupied them as the lessee, continues in occupation of the premises after the termination of the tenancy, or to eject him from the premises;  
Cf. s. 15A (5) (c) of the repealed Act.
- (e) affect the rights at law of the lessor of premises leased at or after the specified day, the lessee of which after the specified day, without the consent of the principal lessor, assigns the lease of the premises, or sublets the premises wholly or in part, or gives permission to any person to use the premises wholly or in part unless the permission is given for use of a temporary and casual, or temporary and occasional nature without consideration in money or money's worth and is not in contravention of the provisions of the lease of the premises;  
Cf. s. 15 (5) of the repealed Act.
- (f) preclude a person from exercising the right to accept, reject or discontinue the acceptance of a person as his lodger.  
Cf. s. 12A (4) (b) and (c) of the repealed Act.

Restrictions.  
Cf. s. 15 (1)  
of the  
repealed  
Act.

18. (1) Except as provided in this Act, the lessor of premises, shall not give notice to quit or terminate the tenancy or commence or continue proceedings to recover possession of, or eject the lessee from, the premises.

(2) A notice to quit or terminate the tenancy of premises—

Cf. Reg. 8  
of the  
regulations.  
restricting.

(a) if given in contravention of the provisions of this Part, shall not operate to terminate the tenancy;

Cf. s. 15A  
(1) last  
para. of  
the repealed  
Act.

(b) if given in accordance with the provisions of this Part, shall, subject to those provisions, terminate the tenancy on the day of the expiration of the notice notwithstanding that at law a notice to quit, to be effective, shall expire on any other day.

Summary  
recovery of  
possession  
in certain  
circum-  
stances  
where  
lessor is  
owner.  
Cf. s. 15A of  
the repealed  
Act.  
Cf. s. 15 (5)  
(d) of the  
repealed  
Act and  
ss. 17 ante  
and 20 post.

19. (1) The lessor of premises who is the owner of the premises may, in accordance with the provisions of this section, obtain from the Court an order for recovery of possession of the premises and may eject all persons occupying the premises whether as lessee, sublessee, or otherwise, but the right conferred upon him by this section, does not affect other rights, if any, which, by virtue of the operation of sections seventeen and twenty of this Act, the lessor has.

(2) If the lessor is a body,  
whether incorporated or not incorporated, and  
has owned the premises for at least six months  
and requires the premises

for occupation by the lessor, or its agents or servants, or by a majority of its shareholders who subscribed to its capital and acquired shares in it prior to the thirtieth day of June, one thousand nine hundred and fifty-one, for the purpose of obtaining accommodation for the conduct of their respective businesses, or by another body which is the lessor's partner,

the lessor may cause one of its officers or members to make a statutory declaration

deposing to the foregoing matters mentioned in this subsection and to the constitution or identity of the lessor and that he is authorised by the lessor to make the declaration

and may give

to the lessee and any person who, or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee notice in accordance with the provisions of subsection (5) of this section to quit the premises.

(3) If the lessor is a person not being a body, and has owned the premises for at least six months and has resided in the Commonwealth for at least two years

and requires the premises

for his own occupation or for occupation by both or either of his parents or a married or widowed child, which parents or parent or child have or has resided in the Commonwealth for at least two years, or for occupation by any body of which he is a substantial shareholder or of which he is a director, manager or secretary,

the lessor may make a statutory declaration

deposing to the foregoing matters mentioned in this subsection

and may give

to the lessee and any other person who, or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee notice in accordance with the provisions of subsection (5) of this section to quit the premises.

(4) If the lessor is a trustee and requires the premises for the purpose of winding up the trust, he may make a statutory declaration deposing to the foregoing matters mentioned in this subsection and may give to the lessee and any other person who, or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee, notice in accordance with the provisions of the next succeeding subsection to quit the premises.

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(5) (a) The lessor shall serve written notice to quit and a true copy of the statutory declaration on the lessee and any other person who, or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee.

Cf. Reg. 4  
(2) (b) of  
the  
regulations  
restricting.

(b) The period of notice to quit shall be that, to which the person on whom it is served is entitled at law, or six months, whichever is the longer.

(6) At any time after the expiration of the notice to quit the lessor may apply to the Court for an order for recovery of possession of the premises and for ejectment of the lessee and all other persons, if any, from the premises and on proof of such of the facts mentioned in the preceding subsections of this section as are appropriate to the application, the Court shall make the order and specify in the order, the person or persons or body entitled, by virtue of the order, to occupancy of the premises, and may award mesne profits or damages.

(7) At any time after the making of the order, the clerk of the Court, whether the order is proved to have been served or not, shall, on the application of the lessor, issue a warrant authorising and requiring the bailiff of the Court to give possession of the premises to the person or persons or body specified in the order as entitled to occupancy and the warrant shall be executed accordingly.

(8) Where possession of premises is recovered pursuant to such an order, the lessor shall not at any time during the period of twelve months next following the date of the recovery, lease or part with the possession of the premises, except by leave of the Court granted upon further application and good cause shown.

Recovery  
of possession  
and  
ejectment  
generally.  
Cf.  
regulations  
restricting.  
Gaz. 3rd  
Sept., 1948,  
and  
amend-  
ments.

20. (1) Subject to the provisions of this Part, a lessor of premises may, in accordance with the provisions of this section, obtain an order of the Court for recovery of possession of and ejectment from the premises.

(2) The lessor shall serve written notice to quit on the lessee and any person who, or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee, and who, or which the lessor requires to quit the premises.

(3) The period of notice to quit shall be that to which the person on whom it is served is entitled at law, or twenty-eight days, whichever is the longer.

Cf. Reg. 4  
of the  
regulations  
restricting.

(4) At any time after the expiration of the period specified in the notice to quit the lessor may apply to the Court for an order for recovery of possession of the premises from and ejectment of all persons served with the notice to quit and all other persons, if any, who are in occupation of the premises without his consent.

(5) On the hearing of the application, the Court shall consider the particular circumstances of the case and having regard to the substantial merits of the case, make such order as the Court thinks just.

(6) Without limiting or otherwise affecting the generality of the provisions of the last preceding subsection the Court shall, unless for good cause shown, grant the application and make the order, if satisfied on hearing the application, that a person in occupation of the premises has—

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

Cf. Reg. 3  
(5) of the  
regulations  
restricting.

- (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.

Cf. Reg. 11  
of the  
regulations  
restricting.

(7) In respect of any proceedings brought pursuant to the provisions of this section, the Court may, of its own motion, or on the application of a party to the proceedings—

- (a) from time to time, subject to such conditions, if any, and for such period as the Court thinks fit—
  - (i) adjourn the proceedings;
  - (ii) stay or suspend the execution of any declaration, judgment or order which has been made or given in the proceedings; or
  - (iii) postpone the date for recovery of possession or for ejectment specified in the judgment or order; or
  - (iv) vary, discharge, or rescind the declaration, judgment or order;
- (b) where a warrant of execution has been issued, and whether the warrant has expired or not, from time to time extend the period stated in the warrant as that within which it is required to be executed,
  - (i) if the Court is satisfied that because of the illness of the lessee or person in occupation of the premises, or for other sufficient cause, it is or has been impracticable for the officer, to whom the warrant is directed to execute the warrant within the period so stated—for such period as the Court thinks fit; or

- (ii) if the Court is not so satisfied—for a period not exceeding seven days from the date on which the extension is granted.

(8) Where a person continues in occupation of premises after he is served pursuant to the provisions of this section with a notice to quit, he shall be deemed to do so on the terms and conditions so far as applicable of his former occupancy, other than the original period thereof and except as to any option of purchase or removal, until he either gives up possession voluntarily or in execution of an order of the Court.

Cf. Reg. 8A  
of the  
regulations  
restricting.

21. The provisions of this Part shall continue in operation until the thirty-first day of October, one thousand nine hundred and fifty-two, and no longer.

#### PART V.—PROTECTED PERSONS.

22. (1) In this section, unless the context requires otherwise—

Protected  
persons.  
Cf. s. 18M of  
the repealed  
Act.

“premises” means premises leased for the purpose of residence;

“protected person” means—

- (a) a person receiving a pension pursuant to the provisions of the *Australian Soldiers' Repatriation Act, 1920*, for total and permanent incapacity;
- (b) the widow of a person whose death occurred during or as a result of his war service, if and while she has any child of his under the age of twenty-one years dependent upon and residing with her and while she remains his widow;
- (c) a person engaged on war service within any prescribed area outside the Commonwealth whilst so serving, and for such further or other period as may be prescribed;



- (d) a person who has enlisted in the Armed Forces, or auxiliary services connected therewith, of the Commonwealth for war service outside the Commonwealth and by direction of the particular service in which he is serving has left, or in the opinion of the Court will be required to leave, Western Australia to complete his training in another part of the Commonwealth prior to departure on war service outside the Commonwealth, while so serving;

“war service” means service as a member of the armed forces of the Commonwealth under the *Defence Act, 1903*, the *Naval Defence Act, 1910*, or the *Air Force Act, 1923*, during any war, or during any operation prescribed by regulation to be an operation of the nature of war, in which war or operation His Majesty became or becomes engaged on or after the third day of September, one thousand nine hundred and thirty-nine.

Cf. Regs. 29,  
30 and 31 of  
the  
regulations  
restricting.

(2) (a) On the hearing of any proceedings for an order for the recovery of possession of premises from a protected person or the ejectment of a protected person from premises, the Court shall notify the State Housing Commission.

(b) The State Housing Commission, on being so notified, shall make available to the protected person, within six months a worker's home or a dwelling-house which is owned or controlled by the State Housing Commission for rental purposes.

(c) Until a house has been so made available to the protected person, the Court shall not make an order against the protected person unless the lessor is a protected person or unless the Court is satisfied that refusal to make the order would cause substantially greater hardship to the lessor and his interests than to the protected person and his interests, or that the acts or omissions of the protected person are such as to render him undeserving of relief pursuant to the provisions of this section.

Provided that where the lessor is a protected person the State Housing Commission shall make available to the lessee within three months of the date of the order a worker's home or dwelling-house.

## PART VI.—MISCELLANEOUS.

23. (1) Applications made, proceedings for recovery of unlawful charges, prosecutions for offences, appeals, and other proceedings commenced, notices given and warrants issued, pursuant to the provisions of the repealed Act, but not finalised when this Act comes into operation, may be finalised as if that Act had continued in operation.

Transition.  
Cf. s. 19 (1)  
ante and  
Act No. 30  
of 1918,  
ss. 15, 16  
and 17.

(2) The provisions of the last preceding subsection do not affect the application to this Act of the provisions of the *Interpretation Act, 1918*.

24. (1) The lessee of premises, or an inspector may serve written notice on a lessor or his agent requiring the lessor to furnish him with a statutory declaration as to the rent being charged for the premises and the lessor shall furnish a statutory declaration accordingly within seven days after service of the notice.

Lessee may  
require  
statutory  
declaration  
as to rent.  
Cf. s. 6 of  
the repealed  
Act.

(2) If the lessor is a body, whether incorporated or not incorporated, a declaration which that lessor is so required to furnish shall be made by an officer or member having knowledge of the facts.

25. A person shall not refuse to let residential premises because it is intended that a child shall live in the premises.

Refusal  
to let a  
house  
because of  
intended  
occupancy  
by child, an  
offence.  
Cf. s. 13 of  
the repealed  
Act.

26. (1) A person shall not, without the consent of the lessee of premises, or without reasonable cause, proof whereof shall lie upon the defendant, do, or cause to be done, or omit, or cause to be omitted, anything whereby the ordinary use or enjoyment by the lessee of the premises or of any goods leased therewith, or of any conveniences usually available to the lessee, or of any service supplied to, or provided in connection with, the premises is interfered with or restricted.

Cf. Reg. 20  
of the  
regulations  
restricting.

(2) Where the lessor, or any agent or servant of the lessor, has been convicted of an offence against the last preceding subsection, the Court convicting may, irrespective of any penalty imposed pursuant to the provisions of this Act, order the lessor to do such things as are necessary to enable the lessee to resume the ordinary use or enjoyment of the premises, goods, conveniences or service and the lessor shall comply with the provisions of the order.

Over-charging an offence.  
Cf. s. 17 (1) of the repealed Act.

27. A person who receives rent or any other payment or consideration, or makes any charge contrary to the provisions of this Act commits an offence against this Act.

Lessor's right of inspection of premises.  
Cf. s. 15C of the repealed Act.

28. (1) Subject to the provisions of any lease lawfully made, by which the lessor is entitled to enter and inspect the premises leased, the lessee of premises shall permit the lessor to enter and inspect the premises, but shall not be obliged to do so more than once in any period of two months, and then only between the hours of nine in the forenoon and four in the afternoon, if the lessor gives to the lessee not less than forty-eight hours' notice that he requires to inspect the premises.

(2) If the lessee does not so permit the lessor to inspect the premises, the lessee shall be regarded as failing to observe a condition of the lease.

Cf. Reg. 19 of the regulations restricting.

29. Where notice to quit premises has been given whether before or after the commencement of this Act, any demand for or acceptance by the lessor of rent or the commencement of proceedings by the lessor to recover rent, shall not of itself constitute evidence of a new tenancy or operate as a waiver of the notice.

Penalties.  
Cf. s. 17 of the repealed Act.

30. (1) A person who contravenes the provisions of this Act or the regulations commits an offence against this Act.

Cf. s. 15A (4) of the repealed Act.

(2) On conviction of an offence against this Act, the offender shall, if no other penalty is prescribed, be liable to a penalty not exceeding five hundred pounds.

(3) Irrespective of any penalty imposed pursuant to the provisions of this Act, the Court convicting an offender may order him to pay into Court such sum as shall secure that he derives no benefit from the offence and may order that the whole or part of the sum shall be paid out of Court to the person from whom, but for the provisions of this section, the benefit would be derived.

(4) Prosecutions for offences against this Act may be commenced within two years from the time when the matter of complaint arose upon a complaint made by any person being a lessor, lessee or occupant who is aggrieved, or the Minister, or any person authorised in writing by the Minister, and shall be dealt with summarily by a Stipendiary, Police, or Resident Magistrate in accordance with the provisions of the *Justices Act, 1902*.

31. In any proceedings brought pursuant to the provisions of this Act, a Judge of the Supreme Court, a Local Court, or a Court of summary jurisdiction, as the case may be, may make such order as to costs as may be decided just.

Costs.  
Of. s. 10 of  
the repealed  
Act.

32. (1) The Governor may make such regulations and rules of Court as are not inconsistent with the provisions of this Act and as he thinks necessary, in order to provide for the effective operation of, and for facilitating the achievement of the objects and intention of this Act and may, by such regulations and rules of Court, prescribe forms for use for the purposes of this Act, and authorise such fees as he thinks reasonable to be charged in connection with applications, appeals and other proceedings brought pursuant to the provisions of this Act.

Delegated  
powers.  
Of. s. 18 of  
the repealed  
Act.

(2) Without limiting the generality of the provisions of the last preceding subsection, the powers delegated to the Governor may be exercised in relation to—

- (a) the manner in which applications shall be made and appeals and other proceedings commenced, conducted and disposed of, the parties who shall be entitled to be heard

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regulations  
procedural  
1-13; s. 7  
(2) of the  
repealed  
Act.

and their representation, the reception of statutory declarations in evidence and the enforcement of orders;

Cf. Regs. 3  
(4), 21 (3)  
of the  
regulations  
restricting.  
Cf. s. 18 of  
the repealed  
Act.

- (b) service of documents and the persons who shall be served;
- (c) recovery of possession of, and the eviction from, premises or any class of premises, of any persons or class of persons, and to the protection of any persons or class of persons from such recovery and eviction;
- (d) excluding premises or those in any class of premises from the application of this Act or any specified provisions of this Act.

Duration  
of Act.  
Cf. s. 20 of  
the repealed  
Act.

33. The provisions of this Act shall continue in operation until the thirty-first day of December, one thousand nine hundred and fifty-two, and no longer.

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