



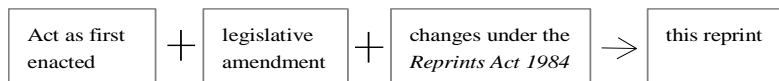
Western Australia

Distress for Rent Abolition Act 1936

Reprint 1: The Act as at 4 July 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 4 July 2003

Western Australia

Distress for Rent Abolition Act 1936

CONTENTS

1.	Short title	1
2.	Abolition of distress for rent due	1
3.	Any distress for rent which is pending not to be proceeded with	1
4.	Restriction of remedies of mortgagee or annuitant against tenant	2
5.	Saving of right to recover by action	2
6.	Landlord may determine tenancy	2
	Notes	
	Compilation table	3



Western Australia

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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*¹.

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 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. Landlord may determine tenancy

- (1) After the coming into operation of this Act a landlord or lessor may, upon 7 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 7 days, and may at the end of such notice bring proceedings in ejectment under the *Justices Act 1902*, the provisions of which shall, subject to this Act, apply thereto *mutatis mutandis*.
- (2) This section has effect subject to the *Residential Tenancies Act 1987*.

[Section 6 amended by No. 14 of 1941 s. 2; No. 128 of 1987 s. 89.]



Notes

- ¹ This reprint is a compilation as at 4 July 2003 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

Short title	Number and year	Assent	Commencement
<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)
Reprint 1: The <i>Distress for Rent Abolition Act 1936</i> as at 4 July 2003 (includes amendments listed above)			
