



ANNO DECIMO

ELIZABETHAE II REGINAE

A.D. 1961

No. 29 of 1961

An Act to amend the Landlord and Tenant (Control of Rents) Act, 1942-1960.

[Assented to 9th November, 1961.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Landlord and Tenant (Control of Rents) Act Amendment Act, 1961".

(2) The Landlord and Tenant (Control of Rents) Act, 1942-1960, as amended by this Act, may be cited as the "Landlord and Tenant (Control of Rents) Act, 1942-1961".

Reference to principal Act

2. The Landlord and Tenant (Control of Rents) Act, 1942-1955, as reprinted pursuant to the Amendments Incorporation Act, 1937, and section 46 of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1951, and as amended by the Landlord and Tenant (Control of Rents) Act Amendment Act, 1956, the Landlord and Tenant (Control of Rents) Act Amendment Act, 1957, the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, the Landlord and Tenant (Control of Rents) Act Amendment Act, 1958, the Landlord and Tenant (Control of Rents) Act Amendment Act, 1959, and the Landlord and Tenant (Control of Rents) Act Amendment Act, 1960, is hereinafter referred to as "the principal Act", and any reference in this Act to any provision of the principal Act shall be construed as a reference to that Act as so reprinted and amended.

3. Paragraph (b) of subsection (2) of section 6 of the principal Act is amended by striking out the words "which or any part of which was not let" and inserting in lieu thereof the words "which premises (or part as the case may be) were not let wholly or in part" and by inserting at the end thereof the following passage "or (so far as concerns the recovery of possession of premises) with respect to a lease of any dwelling-house attached to any premises owned by the lessor and used as a shop where that dwellinghouse is reasonably needed by the lessor for the purposes of extending the shop".

Amendment of principal Act, s. 6.

4. Subsection (2) of section 21 of the principal Act is amended by striking out the words "forty per centum thereof" therein and by inserting in lieu thereof the words "such percentage (not exceeding sixty per centum) thereof as the trust or, as the case may be, local court shall deem just".

Amendment of principal Act, s. 21.

5. The following section is inserted in the principal Act after section 48 thereof:—

Enactment of s. 48a of principal Act—

48a. (1) If—

(a) in respect of any premises to which this Act applies, any rent is received which by virtue of this Act is irrecoverable; and

(b) within twelve months a notice to quit is given in respect of the premises by or on behalf of the lessor by whom or on behalf of whom the rent was received to the lessee by whom the rent was paid,

Restriction on giving notice to quit where unlawful rent received.

the notice to quit shall, unless it was given with the consent in writing of the trust, be null and void.

(2) Any person who, whether as principal or agent, gives any such notice to quit without the consent in writing of the trust shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

6. Section 123 of the principal Act is amended by striking out the word "sixty-one" in the second line thereof and by inserting in lieu thereof the word "sixty-two".

Amendment of principal Act, s. 123—
Duration of Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.