



ANNO SEPTIMO

**ELIZABETHAE II REGINAE**

A.D. 1958.

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**No. 49 of 1958.**

**An Act to amend the Landlord and Tenant (Control of Rents) Act, 1942-1957.**

*[Assented to 27th November, 1958.]*

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, 1958".

(2) The Landlord and Tenant (Control of Rents) Act, 1942-1957, as amended by this Act, may be cited as the "Landlord and Tenant (Control of Rents) Act, 1942-1958".

**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, and the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, 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. The following section is enacted and inserted in the principal Act after section 60 thereof :—

Enactment of s. 60a of principal Act—

60a. (1) If at the expiration of the term of a lease in writing of a dwellinghouse to which lease the provisions of this Act relating to the recovery of possession of premises, by virtue of paragraph (c), (d), or (e), of subsection (2) or of subsection (2a) of section 6, do not apply, the lessee continues in possession of the dwellinghouse, then the following provisions shall apply :—

Provision as to holding over.

- I. At any time after the expiration of the said term, a notice to quit for a period of seven days or any longer period may be given to the lessee by the lessor and the provisions of this Part shall not apply with reference to the notice to quit : Provided that nothing in this paragraph shall allow the giving of notice to quit for a period shorter than the period which, but for this paragraph, would be required :
- II. After three months after the expiration of the period of the notice to quit, proceedings may be commenced by the lessor for the recovery of the possession of the dwellinghouse from the lessee or for the ejectment of the lessee therefrom and the provisions of this Part shall not apply with respect to those proceedings nor, for the purpose of those proceedings, to the dwellinghouse.
- III. During any time during which the tenant remains in possession of the dwellinghouse as aforesaid, the rent payable by the lessee shall be the amount provided to be paid by the lease or such other amount as is agreed in writing by the lessor and the lessee ; and the provisions of this Act relating to the control of rents shall not apply with respect to any such rent and the acceptance of any such rent by the lessor shall not be deemed to create another lease.

(2) If at the expiration of the term of a lease of a dwellinghouse to which lease the provisions of this Act, by virtue of paragraph (a) or (b) of subsection (2) of section 6, do not apply, the lessee continues in possession of the dwellinghouse, the provisions of this Act shall not apply with respect to any notice to quit given to the lessee nor to any proceedings for the recovery of possession of the dwellinghouse or for the ejectment of the lessee therefrom.

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

4. Section 123 of the principal Act is amended by striking out the word "fifty-eight" in the second line thereof and by inserting in lieu thereof the word "fifty-nine".

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

R. A. GEORGE, Governor.