



ANNO DECIMO

GEORGII VI REGIS.

A.D. 1946.

No. 38 of 1946.

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

[Assented to 19th December, 1946.]

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

1. (1) This Act may be cited as the "Landlord and Tenant (Control of Rents) Act Amendment Act, 1946". Short titles.

(2) The Landlord and Tenant (Control of Rents) Act, 1942, as amended by this Act, may be cited as the "Landlord and Tenant (Control of Rents) Act, 1942-1946".

(3) The Landlord and Tenant (Control of Rents) Act, 1942, is hereinafter referred to as "the principal Act".

2. (1) The definition of "rates" in section 4 of the principal Act is amended by striking out the words "Commissioner of Waterworks or the Commissioner of Sewers" and by inserting in lieu thereof the words "Minister of Works". Amendment of principal Act, s. 4— Interpretation.

(2) The definition of "dwelling-house" in section 4 of the principal Act is amended by adding at the end thereof the following proviso :—

Provided that if any premises ordinarily leased for holiday purposes only are leased for other than holiday purposes, the premises shall, whilst so leased, be deemed to be a dwelling-house :

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Amendment of
principal Act,
s. 14—
Inspection by
trust.

3. Section 14 of the principal Act is amended by adding at the end of subsection (2) thereof the words "The trust shall give prior notice to the lessor and the lessee or to his solicitor or agent of an occasion upon which the premises are to be so inspected and stating the day and approximate time at which the premises are to be so inspected".

Amendment of
principal Act,
s. 19—
Abolition of
necessity to
obtain leave
to appeal to
local court.

4. Section 19 of the principal Act is amended—

- (a) by striking out the word "apply" in the sixth line thereof and by inserting in lieu thereof the word "appeal";
- (b) by striking out the words "for leave to appeal" in the seventh line thereof;
- (c) by striking out subsection (2) thereof.

Amendment of
principal Act,
s. 21—
Fixation of
rents.

5. Section 21 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraph:—

- (h) any increased expenditure reasonably incurred by the lessor in the maintenance of the premises or in other costs in respect of the premises beyond the expenditure which would have been reasonably incurred for that purpose immediately prior to the third day of September, nineteen hundred and thirty-nine.

Amendment of
principal Act,
s. 31—
Refusal to let
premises to
applicant with
family.

6. Section 31 of the principal Act is amended—

- (a) by striking out the words "premises to which this Act applies" in the second line thereof and by inserting in lieu thereof the word "dwelling-house";
- (b) by striking out the word "premises" in the fourth line thereof and by inserting in lieu thereof the word "dwelling-house";
- (c) by striking out the words "premises to which this Act applies" in the second and third lines of subsection (2) thereof and by inserting in lieu thereof the word "dwelling-house";
- (d) by striking out the word "premises" in the fourth line of subsection (2) thereof and by inserting in lieu thereof the word "dwelling-house";
- (e) by striking out the words "premises to which this Act applies" in the third line of subsection (3) thereof and by inserting in lieu thereof the word "dwelling-house";

(f) by striking out the word "premises" in the last line thereof and by inserting in lieu thereof the word "dwelling-house";

(g) by adding at the end thereof the following subsection:—

(4) Notwithstanding the definition of "dwelling-house" in section 4, in this section "dwelling-house" means any premises (other than premises such as are described in paragraph (c), (d), or (e) of the said definition) which are constructed or adapted for use for the purpose of residence.

7. Section 47 of the principal Act is amended by inserting after the word "secretary" first occurring in each of the third and the ninth lines thereof in each case the words ", assistant secretary".

Amendment of
principal Act,
s. 47—
Notices.

8. (1) The following section is enacted and inserted in the principal Act after section 48 thereof:—

Enactment of
s. 49 of the
principal Act—

49. This Act shall continue in operation until the thirty-first day of December, nineteen hundred and forty-seven, but the expiration of this Act shall not render recoverable any rent which during the continuance of this Act was irrecoverable nor affect the right of any lessee to recover any sum which during the continuance of this Act was under this Act recoverable by him.

Duration of
Act.

(2) Section 7 of the principal Act is repealed.

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

C. W. M. NORRIE, Governor.