

REDUCTION OF RENTS.

22° GEO. V., No. XXI.

No. 21 of 1931.

AN ACT to provide for the Reduction of Rents in certain cases and for other relative purposes.

[Assented to 18th August, 1931.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Reduction of Rents Act*, 1931, and shall come into operation on a date to be fixed by proclamation.*

Short title and commencement.

2. In this Act, subject to the context—

Interpretation.

“Commissioner” means a Commissioner appointed by the Governor for the purposes of Part VI. of the Financial Emergency Act, 1931;

“Land” includes any land, messuages, and premises of any description;

“Lease” means any lease or agreement, whether in writing or verbal, under which land is held by a lessee of a lessor for any term or period which is not determinable at the will of the lessee by less than one month's notice;

“Lessee” includes any sub-lessee or tenant; and

“Lessor” includes any sub-lessor or landlord.

* 19th August, 1931: See *Gazette* of that date.

Application of
Act.

3. (1.) This Act shall apply and have effect, except as herein otherwise provided, to and in respect of all leases current or in operation at the commencement thereof; and, except by leave of the Commissioner, it shall not be lawful for the lessor, under any lease hereafter granted or entered into in respect of any land which is or has been subject to a lease current or in operation at the date of the commencement of this Act, to reserve charge or receive a greater or higher rental in respect of such land than that permitted by or under this Act to be charged and received under the lease current or in operation at the date aforesaid.

(2.) Any contract or agreement made or entered into or to be made or entered into by any lessee shall, in so far as it purports to annul or vary any of the provisions of this Act or to deprive the lessee of the benefit thereof, be null and void, without prejudice, however, to any provisions of the contract or agreement which are distinct and severable from the provisions hereby annulled.

Limitation of
rents.

4. (1.) Rent accruing or to accrue due and payable during the operation of this Act under any lease shall be and is hereby reduced by twenty-two and one-half per centum of the amount thereof and shall be calculated and payable at such reduced rate accordingly, unless and until the lessor has obtained from a Commissioner an order permitting him to charge and receive rent under such lease at a higher rate, and the lease shall be deemed to be altered to such extent as is necessary to give effect to this section.

Provided that—

- (a) as regards a lease existing on the thirtieth day of June, one thousand nine hundred and thirty, and still existing at the commencement of this Act, the present rent payable under the lease shall be deemed to be increased by the amount of any reduction of rent allowed by the lessor since the said thirtieth day of June, one thousand nine hundred and thirty, but such amount shall be included as part of the reduction made by this section;
- (b) as regards a lease granted since the thirtieth day of June, one thousand nine hundred and thirty, and existing at the commencement of this Act, wherein the rent reserved is less than the rent reserved by a previous lease of the same premises,

and existing on the said thirtieth day of June, one thousand nine hundred and thirty, the present rent payable under the current lease shall be deemed to be increased by the amount of the said difference in rent, but such amount shall be included as part of the reduction made by this section;

(c) in the case of premises which were not leased on the thirtieth day of June, one thousand nine hundred and thirty, this Act shall not apply unless the lease thereof was entered into earlier than three months before the coming into operation of this Act.

(2.) The obligation of any lessee to pay rent, accruing or to accrue due and payable during the operation of this Act, at any higher rate than that allowed by or under this Act, is hereby extinguished.

(3.) For the purposes of this Act rent shall be deemed to accrue due and payable from day to day.

5. (1.) An application for an order hereunder may be made in the prescribed manner and, after notice given to the lessee, as provided in the regulations, and on the hearing of the application, each party shall be entitled to be represented by any solicitor or agent selected by him, and the Commissioner may either dismiss the application or (if special circumstances are proved to his satisfaction by the lessor) make an order permitting the lessor to charge rent at such higher rate (not exceeding that provided for in the lease) as the Commissioner shall declare to be just and reasonable, having regard to the circumstances and to the economic and financial conditions prevailing in the State.

Applications to
Commissioner for
leave to charge
rent at higher
rate.

(2.) A special circumstance to be considered by the Commissioner shall be the amount by which the rent of the premises, the subject of the lease, may have been reduced since the thirtieth day of June, one thousand nine hundred and thirty.

(3.) Every such order shall have effect according to its tenor from such date (not earlier than the date of the making of the application) as the Commissioner may determine, and shall entitle the lessor during the currency of the lease and the operation of this Act to charge and receive rent as from the date aforesaid at the rate mentioned therein.

Costs.

6. A Commissioner to whom any application is made under this Act shall have power to make an order directing the payment to one party by the other party of any costs incurred in connection with the application if he shall be of opinion that such other party has acted unreasonably, and such costs shall be recoverable as a debt in any court of competent jurisdiction.

Regulations.

7. The Governor may make such regulations as he may deem necessary in order to provide for the effective operation of this Act, and for facilitating the achievement of the objects thereof, and may by such regulations prescribe forms for use under this Act, and authorise such fees as he may deem to be reasonable to be charged by the Government of the State in connection with applications under this Act.*

**Crown not bound
by Act.**

8. This Act shall not bind the Crown.

**Duration of
Act.**

9. This Act shall continue in force till the end of the year nineteen hundred and thirty-two, and no longer.

* *Gazette* 31st August, 1931.