



ANNO QUINTO

## ELIZABETHAE II REGINAE

A.D. 1956.

\*\*\*\*\*

## No. 41 of 1956.

## An Act to amend the Landlord and Tenant (Control of Rents) Act, 1942-1955.

[Assented to 22nd November, 1956.]

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, 1956".

(2) The Landlord and Tenant (Control of Rents) Act, 1942-1955, as amended by this Act, may be cited as the "Landlord and Tenant (Control of Rents) Act, 1942-1956".

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, 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.

Amendment of principal Act, s. 55c—  
Recovery of possession in certain cases.

3. Section 55c of the principal Act is amended—

(a) by adding at the end of subsection (1) thereof the words "or on the ground that possession of the dwellinghouse is required for the purpose of facilitating the sale of the dwellinghouse" ;

- (b) by adding at the end of paragraph 1. of subsection (2) thereof the words "or, as the case may be, declaring that possession of the dwellinghouse is required for the purpose of facilitating the sale of the dwelling-house".

4. The definition of "protected person" in subsection (1) of section 72 of the principal Act is amended by adding at the end of the definition the following paragraphs:—

Amendment of principal Act, s. 72—  
Protected person.

- (e) a member of the forces engaged on war service outside Australia or on service in an operational area outside Australia ;
- (f) the wife of a member of the forces engaged on war service outside Australia or on service in an operational area outside Australia.

5. The following section is enacted and inserted in the principal Act after section 100 thereof:—

Enactment of s. 100a of principal Act—

100a. (1) Any person who, whether as principal or agent or in other capacity—

Illegal commission. of U.K. 1 & 2 Eliz. 2 c. 23, s. 1.

- (a) demands or accepts payment of any sum of money in consideration of registering, or undertaking to register, the name or requirements of any person seeking the tenancy of any dwelling-house ; or
- (b) demands or accepts payment of any sum of money in consideration of supplying, or undertaking to supply, to any person the address or addresses or other particulars of any dwelling-house or dwelling-houses to let or purporting to be available for letting,

shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(2) A person shall not be guilty of an offence under this section by reason of his demanding or accepting payment from the owner of a dwelling-house of any remuneration payable to him as agent for the said owner.

(3) A person shall not be guilty of an offence under this section if, after he has procured the letting of a dwelling-house to any person, he demands or accepts payment from that person of remuneration for his services in procuring the dwelling-house for such letting.

(4) A person being a legal practitioner shall not be guilty of an offence under this section by reason of his demanding or accepting payment of any remuneration in respect of business done by him as such.

(5) If any sum of money is paid to any person in contravention of subsection (1), that person shall be liable to repay the amount thereof to the person by whom it was paid. The repayment of any such amount may be ordered by the court imposing a penalty for the contravention of this section or may be recovered by the person to whom it is repayable by action in a court of competent jurisdiction.

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

6. Section 123 of the principal Act is amended by striking out the word "fifty-six" in the second line thereof and by inserting in lieu thereof the word "fifty-seven".

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

J. M. NAPIER, Governor's Deputy.