



ANNO QUINTO

**GEORGI VI REGIS.**

A.D. 1941.

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**No. 28 of 1941.**

An Act to amend the Increase of Rent (War Restrictions) Act, 1939-1940.

[Assented to 13th November, 1941.]

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 "Increase of Rent (War Restrictions) Act Amendment Act, 1941". Short titles.
- (2) The Increase of Rent (War Restrictions) Act, 1939-1940, as amended by this Act, may be cited as the "Increase of Rent (War Restrictions) Act, 1939-1941".
- (3) The Increase of Rent (War Restrictions) Act, 1939-1940, is hereinafter called "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. (1) Section 3 of the principal Act is amended by inserting therein after subsection (3) the following subsection :— Amendment of s. 3 of principal Act— Interpretation of standard rent.
  - (3a) Where, on the first day of September, nineteen hundred and thirty-nine, or, in the case of a dwelling-house which was first let after that day, on the day on which the dwelling-house was first let, an assessment of the gross annual value of a dwelling-house made under section 173 of the Local Government Act, 1934-1936, was not in force, but an assessment of the gross annual value of the dwelling-house made for the purposes of Part V. of

the Waterworks Act, 1932-1936, was in force, and the standard rent as ascertained in accordance with subsections (1) and (2) of this section is less than—

(a) the said gross annual rental assessed for the purposes of Part V. of the Waterworks Act, 1932-1936; or

(b) the part of that gross annual rental apportioned to the dwelling-house under subsection (4) of this section,

that gross annual rental or the apportioned part thereof shall be deemed to be the standard rent for the purposes of this Act.

(2) Subsection (4) of section 3 of the principal Act is amended by adding after the figures "1934-1936" in the fourth line the words "or for purposes of Part V. of the Waterworks Act, 1932-1936".

Enactment of  
s. 4a of  
principal Act—

4. The following section is enacted and inserted in the principal Act after section 4 thereof:—

Penalties for  
charging more  
than standard  
rent.

4a. (1) A person shall not demand or receive as rent of a dwelling-house any sum in excess of the standard rent of that dwelling-house.

(2) A person shall not be a party to any contract or arrangement under which the rent paid or agreed or intended to be paid to that person for a dwelling-house exceeds the standard rent of that dwelling-house.

(3) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(4) For the purposes of this section the standard rent of a dwelling-house includes the amount of any increase of that rent permitted by this Act.

Amendment of  
s. 11 of  
principal Act—  
Orders for  
possession.

5. Section 11 of the principal Act is amended by inserting at the end of paragraph (c) of subsection (1) thereof the words "and the landlord satisfies the court that he is not seeking possession of the dwelling-house for the purpose of carrying out any arrangements or transactions the object of which is to secure an increased rent for any dwelling-house owned by him."

6. The following section is hereby enacted and inserted in the principal Act after section 11 thereof:—

Enactment of  
s. 11a of  
principal Act—

11a. (1) Notwithstanding any law or agreement to the contrary the tenancy of a dwelling-house shall not determine or be determined except by a written notice.

Notices.

(2) A notice under this section shall be invalid—

(a) if it purports to terminate the tenancy before the expiration of seven days after the giving of the notice, or any longer period required by law or agreement;

(b) unless it contains a statement by the landlord or his agent of the grounds on which the landlord claims to be entitled to determine the tenancy.

(3) This section shall not apply to any notice to quit validly given before the passing of the Increase of Rent (War Restrictions) Act Amendment Act, 1941.

(4) Subsection (2) of this section shall not apply to the determination of a tenancy by the tenant.

7. Section 15 of the principal Act is amended by striking out the word "forty-one" therein and inserting in lieu thereof the word "forty-two".

Amendment of  
s. 15 of  
principal Act—  
Duration of  
Act.

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

C. M. BARCLAY-HARVEY, Governor.