

LANDLORD AND TENANT  
AMENDMENT (DISTRESS  
ABOLITION) ACT.

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Act No. 49, 1930.

George V.  
No. 49, 1930.

An Act to abolish distress for rent; to afford relief to tenants in certain other regards; to amend the Landlord and Tenant Act of 1899, and certain other Acts; and for purposes connected therewith. [Assented to, 19th December, 1930.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Landlord and Tenant Amendment (Distress Abolition) Act, 1930."

(2) This Act shall be deemed to commence on the tenth day of December, one thousand nine hundred and thirty.

Abolition of  
distress for  
rent due.

**2.** (1) After the commencement of this Act no distress for rent shall be levied or made.

(2) Where prior to the date upon which His Majesty's Assent to this Act is signified, any person has levied or made any distress for rent, the distress shall not be proceeded with, and shall be deemed to be withdrawn without prejudice to the right of the person making the distress to recover the amount distrained for and the costs of making the distress from the person liable for the rent as a debt in any court of competent jurisdiction.

**3.**

Landlord and Tenant Amendment (Distress  
Abolition) Act.

621

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3. The Landlord and Tenant Act of 1899 is amended—

- (a) (i) by inserting at the end of paragraph (c) of subsection two of section twenty-three the words "Provided that the period referred to may be in excess of thirty days if the justices are satisfied that thirty days is not an adequate period in the circumstances";
- (ii) by omitting from subsection six of the same section the words "by themselves, their counsel, or attorneys";
- (iii) by inserting at the end of the same subsection the words "such right may be exercised by themselves, their counsel, or attorneys, or if the justices think fit, by their agents";
- (b) by omitting from section twenty-four the words "not exceeding fifteen clear days from the day of such adjudication" and by inserting in lieu thereof the words "which seems in the circumstances of the case just and reasonable";
- (c) by omitting from subsection two of section eight the words "and that no sufficient distress was to be found on the demised premises countervailing the arrears then due";
- (d) by omitting from subsection three of section eighteen the words "and that no sufficient distress was then to be found on the premises to satisfy such arrear."

4. In lieu of the power of distress contained in subsection two of section one hundred and forty-six of the Conveyancing Act, 1919-1930, for arrears of any annual sum therein referred to, the person to whom such sum is due may recover the same as a debt from the person in possession of the land in any court of competent jurisdiction.

5. Nothing in this Act shall prejudice or affect the right of a person to whom rent is due to recover the same as a debt from the person liable to pay the same in any court of competent jurisdiction.

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PREVENTION