

**COMMON LAW PROCEDURE AND LANDLORD AND
TENANT (AMENDMENT) ACT.**

Act No. 10, 1958.

Elizabeth II, An Act to amend the law relating to the recovery of
No. 10, 1958. tenements; for this purpose to amend the
Common Law Procedure Act, 1899, the Landlord
and Tenant Act of 1899 and certain other Acts
in certain respects; and for purposes connected
therewith. [Assented to, 11th April, 1958.]

BE

**Common Law Procedure and Landlord and Tenant
(Amendment) Act.**

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BE it enacted by the Queen's Most Excellent Majesty, by No. 10, 1958. 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 :—

1. (1) This Act may be cited as the "Common Law Procedure and Landlord and Tenant (Amendment) Act, 1958". Short title
and
citation.

(2) The Common Law Procedure Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Common Law Procedure Act, 1899-1958.

(3) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act, 1899-1958.

2. The Common Law Procedure Act, 1899, as amended by subsequent Acts, is amended by inserting at the end of section two hundred and twenty-eight the following new proviso :— Amendment
of Act No.
21, 1899.
Sec. 228.

Provided that where the finding is for the claimant, and a dwelling-house is situated on the property or on such part thereof as the jury finds the claimant entitled to execution shall not issue until such time as the Court or Judge before whom the cause is tried, having regard to any hardship that will be caused to the defendant by the issuing of execution, shall order. (Judgment
upon
finding
for
claimant.)

3. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended— Amendment
of Act No.
18, 1899.

- (a) by inserting at the end of subsection two of section seventeen the following new paragraph :— Sec. 17.
(Possession
of tenements
may be
recovered in
District
Courts
by landlords
where terms
have
expired
or been
determined.)
- Where a dwelling-house is situated on the premises mentioned in the plaint, the Judge of the Court, when making any order under this subsection, shall have regard to any hardship that will be caused to the defendant by the making of the order.
- (b)

No. 10, 1958.

(b) by inserting at the end of section twenty-four the following new proviso :—

Sec. 24.

(Power of
justices
to suspend
proceedings
on adjudica-
tion for
one month.)

Provided that where a dwelling-house is situated on the land to which the adjudication relates, the justices, having regard to any hardship that will be caused to the tenant or occupier by the issuing of the warrant and other proceedings or the execution of the warrant and other proceedings, may postpone the issuing of such warrant and other proceedings under the adjudication, or suspend the execution of such warrant and other proceedings, for such period exceeding one month as the justices shall order.
