

LANDLORD AND TENANT (AMENDMENT) ACT.

Act No. 55, 1960.

An Act to amend the law relating to landlord and tenant; for this purpose to amend the Landlord and Tenant Act, 1899-1958, and the Landlord and Tenant (Amendment) Act, 1948-1958; and for purposes connected therewith. [Assented to, 1st December, 1960.] Elizabeth II,
No. 55, 1960.

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1960". Short title
and
citation.

(2) 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, 1899-1960.

(3) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1960.

2. (1) The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended— Amendment
of Act No.
18, 1899.

(a) by inserting next after section two the following new section:— New sec. 2A.

2A. (1) No action of ejectment in the Supreme Court or a District Court, or proceedings under section seventeen of this Act, for the recovery of any land or premises or part of any land or premises from the tenant or any person claiming under him who is actually occupying such land or premises or part Restriction
on actions
of ejectment
and
proceedings
under
section
seventeen
of this Act.

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part shall be commenced by the landlord if there is situated on the land, or the premises are or include, a dwelling-house and—

(a) where the term or interest of such tenant or person has not expired or been determined, if—

(i) such tenant or person is liable to the payment of rent; and

(ii) such rent does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period; or

(b) where the term or interest of such tenant or person has expired or been determined, if—

(i) such tenant or person was immediately before the expiration or determination of such term or interest liable to the payment of rent; and

(ii) such rent did not immediately before such expiration or determination exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

(2) In any case where by reason only of the provisions of subsection one of this section a landlord is precluded from commencing any action or proceedings, referred to in that subsection, he may take proceedings under Part IV of this Act for the recovery of possession of the land or premises concerned and the provisions of that Part shall where applicable apply, mutatis mutandis, to any such proceedings.

Sec. 18.
(Possession of small tenements may be recovered in District Court by landlords for non-payment of rent.)

(b) by inserting at the end of section eighteen the following new subsection:—

(6) This section does not apply where the premises are or include a dwelling-house.

(c)

- (c) by inserting at the end of section twenty-six the following new subsection :—

(3) This section does not apply where there is situated on the land in question a dwelling-house and the rent payable in respect of the land does not exceed twelve pounds twelve shillings per week, or an equivalent sum calculated in respect of any other period.

Sec. 26.

(Execution of warrant to be suspended upon security to defend an action for recovery of the land.)

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

3. The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—

Amendment of Act No. 25, 1948.

- (a) by inserting in paragraph (u) of subsection five of section sixty-two after the words “residential purposes” the words “and has an estate in the land on which that accommodation is situated”;

Sec. 62.

(Restriction on eviction.)

- (b) by omitting from subsections one and (1A) of section sixty-five the words “one thousand nine hundred and sixty-one” wherever occurring and by inserting in lieu thereof the words “one thousand nine hundred and sixty-two”;

Sec. 65.

(Notice to quit where dwelling-house sold.)

- (c) by omitting from subsection two of section seventy the words “one thousand nine hundred and sixty-one” and by inserting in lieu thereof the words “one thousand nine hundred and sixty-two”.

Sec. 70.

(Court to consider hardship.)

4. The order made on the fifth day of August, one thousand nine hundred and fifty-nine, by the Governor pursuant to the provisions of subsection two of section six of the Landlord and Tenant (Amendment) Act, 1948-1958, and published in Gazette No. 86 of the seventh day of August, one thousand nine hundred and fifty-nine, is hereby rescinded.

Rescission of order under section six of this Act.