

**LANDLORD AND TENANT (AMENDMENT) ACT 1987**  
**No. 27**

NEW SOUTH WALES



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**LANDLORD AND TENANT (AMENDMENT) ACT 1987 No. 27**

NEW SOUTH WALES



**Act No. 27, 1987**

An Act to amend various Acts dealing with landlords and tenants in consequence of the enactment of the Residential Tenancies Act 1987. [Assented to 12 May 1987]

*Landlord and Tenant (Amendment) 1987*

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**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:

**Short title**

1. This Act may be cited as the "Landlord and Tenant (Amendment) Act 1987".

**Commencement**

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) The several provisions of—

- (a) section 3 and Schedule 1;
- (b) section 4 and Schedule 2; and
- (c) section 5 and Schedule 3,

shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 18, 1899**

3. The Landlord and Tenant Act 1899 is amended in the manner set forth in Schedule 1.

**Amendment of Act No. 25, 1948**

4. The Landlord and Tenant (Amendment) Act 1948 is amended in the manner set forth in Schedule 2.

**Amendment of Act No. 44, 1977**

5. The Landlord and Tenant (Rental Bonds) Act 1977 is amended in the manner set forth in Schedule 3.

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*Landlord and Tenant (Amendment) 1987*

## SCHEDULE 1

(Sec. 3)

## AMENDMENT TO THE LANDLORD AND TENANT ACT 1899

## Section 1B—

After section 1A, insert:

**Exclusion of residential tenancy agreements from operation of Act**

1B. This Act does not apply to a residential tenancy agreement, or to land that is subject to a residential tenancy agreement, to which the Residential Tenancies Act 1987 applies.

## SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE LANDLORD AND TENANT  
(AMENDMENT) ACT 1948

## (1) Section 3 (Division into Parts)—

Omit the section.

## (2) Section 8 (Definitions)—

## (a) Section 8 (1), definition of "Registrar"—

After the definition of "rates", insert:

"Registrar" means the Registrar of the Tribunal;

## (b) Section 8 (1), definition of "Tribunal"—

After the definition of "the prescribed date", insert:

"Tribunal" means the Residential Tenancies Tribunal of New South Wales constituted by the Residential Tenancies Act 1987.

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SCHEDULE 2—*continued*

AMENDMENTS TO THE LANDLORD AND TENANT  
(AMENDMENT) ACT 1948—*continued*

(3) Section 13A—

After section 13, insert:

**Transfer of functions**

13A. (1) Except as may be otherwise prescribed, a function that, immediately before the commencement of this section—

- (a) was exercisable by a Fair Rents Board—is exercisable by the Tribunal instead of the Board;
- (b) was exercisable by the Controller—is exercisable by the Tribunal instead of the Controller; or
- (c) was exercisable by the clerk of a Fair Rents Board—is exercisable by the Registrar instead of the clerk.

(2) In exercising a function conferred by this section, the Tribunal or the Registrar—

- (a) has all the functions of a Fair Rents Board, the Controller or the clerk, as the case requires; and
- (b) shall, for the purposes of any other provisions of this Act (other than sections 42, 43, 44, 45, 48, 50 and 53) setting out the procedure for the exercise of such a function, be deemed to be a Fair Rents Board, the Controller or the clerk, as the case requires.

(3) The provisions of Part 6 of the Residential Tenancies Act 1987 (other than sections 89, 94, 106, 107 and 111) apply to the exercise of a function by the Tribunal or the Registrar under this section.

(4) Nothing in this section—

- (a) affects any proceedings before a Fair Rents Board, any other matter before a Board, the Controller or a clerk of a Board or the exercise of a function by a Board, the Controller or a clerk of a Board; or

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SCHEDULE 2—*continued*

AMENDMENTS TO THE LANDLORD AND TENANT  
(AMENDMENT) ACT 1948—*continued*

- (b) affects any right, privilege, obligation or liability arising out of any such proceedings or matter or the exercise of the function,

where the proceedings, matter or exercise commenced before the commencement of this section.

- (5) In this section—

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

- (4) Section 30 (**Appeal from determination**)—

Omit the section.

- (5) Section 31 (**Procedure on appeal**)—

Omit the section.

- (6) Part II, Division 4A (**Control of rents of caravans**)—

Omit the Division.

- (7) Section 41 (**Appeals**)—

Section 41 (1)—

Omit “sections 30 and 31 and”.

- (8) Section 69A (**Tenancy Courts**)—

Omit the section.

- (9) Section 97 (**Regulations may transfer powers of Controller to Fair Rents Board**)—

Omit the section.

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## SCHEDULE 3

(Sec. 5)

AMENDMENTS TO THE LANDLORD AND TENANT (RENTAL  
BONDS) ACT 1977(1) Section 4 (**Interpretation**)—

## (a) Section 4 (1), definition of “prescribed proceedings”—

Omit “a tribunal”, insert instead “the Tribunal”.

## (b) Section 4 (1), definition of “Tribunal”—

Omit the definition of “tribunal”, insert instead:

“Tribunal” means the Residential Tenancies Tribunal of New South Wales constituted by the Residential Tenancies Act 1987.

(2) Section 11 (**Payment out of rental bonds**)—

Section 11 (9), (15)—

Omit “or tribunal” wherever occurring, insert instead “or the Tribunal”.