

THE RENT RESTRICTION ACT

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SCHEDULES

THE RENT RESTRICTION ACT

[9th October, 1944.]

Cap. 341.
Laws
31 of 1954,
70 of 1958,
41 of 1960,
27 of 1961.
Acts
22 of 1965,
20 of 1968,
43 of 1973,
29 of 1976,
1 of 1978,
36 of 1979,
2 of 1983.
Short title.

1. This Act may be cited as the Rent Restriction Act.

2.—(1) In this Act—

Interpreta-
tion.

“agricultural land” does not include the garden of a house or building, or land within the curtilage of a house or building;

“Assessment Officer” means a Rent Assessment Officer appointed under section 9 (8);

2/1983
S. 2(a).

“Board” means a Rent Assessment Board constituted under section 9 for the area in which any premises in question are situated;

“building land” means land let to a tenant for the purpose of the erection thereon by the tenant of a building used, or to be used, as a dwelling or for the public service or for business, trade or professional purposes, or for any combination of such purposes, or land on which the tenant has lawfully erected such a building, but does not include any such land when let with agricultural land;

“dwelling-house” means a building, a part of a building separately let, or a room separately let, which at the material date was or is used mainly as a dwelling or place of residence, and includes land occupied with

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the premises under the tenancy, but does not include a building, part of a building, or room when let with agricultural land;

“furniture” includes fittings, machinery and other articles used in premises but not forming part thereof;

“landlord” includes any person deriving title under the original landlord and any person who is, or would but for the provisions of this Act be, entitled to the possession of the premises, and shall, for the purpose of the enforcement of any provisions of this Act whereby any liability is imposed on a landlord, be construed also to include any agent having charge, control or management of the premises on behalf of the landlord;

22/1965
S. 2.

“let” includes “sub-let”;

“let furnished” means let at a rent which includes payment for the use of furniture, and “let unfurnished” shall be construed accordingly;

“public or commercial building” means a building, or a part of a building separately let, or a room separately let, which at the material date was or is used mainly for the public service or for business, trade or professional purposes, and includes land occupied therewith under the tenancy but does not include a building, part of a building or room when let with agricultural land;

“standard rent”, in relation to premises let at the commencement of this Act, or hereafter let, means the standard rent of such premises ascertained in accordance with this Act and appropriate to the category of letting in which the same are let;

“tenant” includes a sub-tenant and any person deriving title from the original tenant or sub-tenant, as the case may be;

“tenancy” includes “sub-tenancy”.

(2) For the purposes of this Act one letting of premises shall be deemed to be in the same category as another letting of the premises if both lettings are of—

- (a) building land; or
- (b) a dwelling-house let unfurnished; or
- (c) a dwelling-house let furnished; or
- (d) a public or commercial building let unfurnished; or
- (e) a public or commercial building let furnished,

and if, in the case of two lettings of furnished premises, the furniture is of approximately the same quality and quantity on each letting.

3.—(1) This Act shall apply, subject to the provisions of section 8 to all land which is building land at the commencement of this Act or becomes building land thereafter, and to all dwelling-houses and public or commercial buildings whether in existence or let at the commencement of this Act or erected or let thereafter and whether let furnished or unfurnished:

Applica-
tion of
Act.
36/1979
S. 2(a).

Provided that this Act shall not apply to—

- (a) a dwelling-house while let at a rent which *bona fide* includes payment for board; or
- (b) building land while let on a building lease, or a renewal or continuance of a building lease, for a term of twenty-five years or more; or

29/1976
S. 3(a).

*RENT RESTRICTION*70/1958
S. 4(a).

(c) a dwelling-house while let by the Minister responsible for housing pursuant to the provisions of the Housing Act;

43/1973
S. 4(b).

(b) dwelling-houses of any class declared by an order made under section 8 to be exempted premises, save as respects the provisions of section 12;

2/1983
S. 3(a).

(e) a public or commercial building which, pursuant to an application by a landlord for a certificate of exemption, an Assessment Officer certifies—

(i) exceeds one thousand square feet in area and is, for the time being, designed to be used primarily as a warehouse; or

(ii) is of such a valuation at the prescribed date as to warrant being let at such standard rent (exclusive of any amount payable for service) as the Minister may, by order, prescribe; or

(iii) is constructed after 31st August, 1980, or having been in construction before that date, is completed thereafter;

(iv) is constructed prior to the 31st August, 1980 and purchased, in a transaction at arm's length, by another person after that date but not later than the 31st October, 1982.

2/1983
S. 3(b).

(1A) Any order made pursuant to paragraph (e) (ii) of the proviso to subsection (1) shall be subject to affirmative resolution.

(1B) In relation to paragraph (e) of the proviso to subsection (1)—

(a) an Assessment Officer may require information to be furnished to him by a tenant as well as by a landlord;

(b) if the design or manner of usage of the building changes at any time the owner or the landlord, as

the case may be, shall within ninety days after such change is implemented notify the Assessment Officer that the change has taken place; and, if he fails to do so, he shall be guilty of an offence under this Act;

- (c) the prescribed date has the same meaning as in section 19.

(2) All building land, dwelling-houses or public or commercial buildings to which this Act for the time being applies are hereafter referred to as "controlled premises".

4. In every tenancy agreement or lease made on or after the 1st day of November, 1979, whether orally or in writing, in respect of controlled premises, except in the case of any tenancy agreement which contains express provisions to the contrary, the landlord and the tenant shall be deemed to have inserted the covenants set out in the First Schedule and shall be bound by those covenants.

Implied covenants in tenancy agreements or leases. 36/1979 S. 3.

First Schedule.

4A.—(1) A person shall not as a condition for the grant, renewal or continuance of a tenancy of any controlled premises consisting of a dwelling-house, require that no children shall reside with the tenant in that dwelling-house.

Tenants with children not to be excluded. 36/1979 S. 3.

(2) Any person who contravenes this section shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate, in the case of a first conviction, to a fine not exceeding one thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months, and in the case of a second or any subsequent conviction, to a fine not exceeding two thousand five hundred dollars and in default of payment to imprisonment for a term not exceeding eighteen months.

5.—(1) Where—

- (a) a tenant has the exclusive occupation of any accommodation (in this section referred to as "the separate accommodation");

Letting which includes shared accommodation. 22/1965 S. 3.

- (b) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (in this section referred to as "the shared accommodation") in common with another person or other persons, whether or not including the landlord; and
- (c) by reason only of the circumstances mentioned in paragraph (b), the separate accommodation would not apart from this subsection be a dwelling-house as defined by this Act,

the separate accommodation shall be deemed to be a dwelling-house as so defined, and the following provisions of this section shall have effect.

(2) For the avoidance of doubt it is hereby declared that where for the purpose of determining the standard rent of the separate accommodation, it is necessary to make an apportionment under this Act, regard shall be had to the circumstances mentioned in paragraph (b) of subsection (1).

(3) For the purpose of ascertaining the standard rent, a previous letting of the separate accommodation shall not be deemed not to be a letting of the same dwelling-house by reason only of any such change of circumstances as the following, that is to say, any increase or diminution of the rights of the tenant to use accommodation in common with others, or any improvement or worsening of accommodation so used by the tenant.

(4) For the purposes of any provisions of this Act relating to increases of rent—

- (a) any such change of circumstances as is mentioned in subsection (3), being a change affecting so much of the shared accommodation as is living accommodation, shall be deemed to be an alteration of rent;

- (b) where, as the result of any such change as is mentioned in paragraph (a) of this subsection, the terms on which the separate accommodation is held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased;
- (c) any increase of rent in respect of any such change as is mentioned in paragraph (a) of this subsection where, as a result of the change and of the increase of rent, the terms on which the separate accommodation is held are on the whole not less favourable to the tenant than the previous terms, shall be deemed not to be an increase of rent.

(5) While the tenant is in possession of the separate accommodation, any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of his right to the use of any of the shared accommodation which is living accommodation shall be of no effect:

Provided that where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be increased, nothing in this subsection shall prevent those terms and conditions from having effect so far as they relate to such variation or increase as aforesaid.

(6) Subject to the provisions of subsection (7) and without prejudice to the enforcement of any order made thereunder, while the tenant is in possession as aforesaid of the separate accommodation, no order or judgment for the recovery of any of the shared accommodation or for the ejection of the tenant therefrom shall be made or

given, whether on the application of the immediate landlord of the tenant or on the application of any person under whom the said landlord derives title, unless a like order or judgment has been given, or is made or given at the same time, in respect of the separate accommodation; and section 25 shall apply accordingly.

2/1983
S. 4(a), (b).

(7) Without prejudice to the provisions of subsection (4), an Assessment Officer may, upon the application of the landlord, make such order, either terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise, as to the Assessment Officer seems just:

Provided that no order shall be made under this subsection so as to effect any termination or modification of rights of the tenant which, apart from subsection (5), could not be effected by or under the terms of the contract of tenancy.

2/1983
S. 4(b).

(8) Any question arising under subsection (4) shall be determined, on the application either of the landlord or of the tenant by an Assessment Officer.

(9) In this section "living accommodation" means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is sufficient to bring the tenancy within paragraph (c) of subsection (1).

Certain
sub-let-
tings not
to exclude
operation
of this
Act.
22/1965
S. 3.

6. Where the tenant of any premises, being a building or part of a building, has sub-let a part but not the whole of the premises, then as against his landlord or any superior landlord (but without prejudice to the rights against and liabilities to each other of the tenant and any

RENT RESTRICTION

area in regard to which it may exercise the powers conferred and perform the duties imposed by this Act.

(2) The Minister shall appoint a Chairman of each Board and, in the absence or inability to act of the Chairman, may appoint a person to act temporarily as Chairman.

43/1973
S. 6(a).

(3) The Minister shall appoint panels of persons from which the members of each Board (other than the Chairman and Deputy Chairman) may be selected.

36/1979
S. 4(a).

(4) A Board, at any sitting thereof, shall consist of the Chairman and not less than one nor more than two other members to be selected by the Chairman from the appropriate panel appointed under subsection (3).

43/1973
S. 6(b).

(5) Where the Minister is satisfied that it is necessary, in order to avoid undue delay, for any Board to sit in two or more divisions, he may—

(a) give to the Chairman of that Board directions in writing specifying the number of divisions in which the Board may sit; and

(b) appoint so many Deputy Chairmen of that Board as may be required and, in the absence or inability to act of any Deputy Chairman, the Minister may appoint a person to act temporarily as Deputy Chairman.

36/1979
S. 4(b).

(6) A division of a Board, at any sitting thereof, shall consist of either the Chairman or a Deputy Chairman, and not less than one nor more than two other members to be selected by the Chairman from the appropriate panel appointed under subsection (3).

2/1983
S. 5(a).

(7) Where any Board sits in two or more divisions the expressions "Board" and "Chairman" in sections 10A, 11, 12, 21 and 25 shall, unless the context otherwise requires, include a division of that Board and the Deputy Chairman presiding over that division respectively.

person claiming under him, or of any two such persons) no part of the premises shall be treated as not being a dwelling-house to which this Act applies by reason only—

- (a) that the terms on which any person claiming under the tenant holds any part of the premises include the use of accommodation in common with other persons; or
- (b) that part of the premises is let to any person claiming under the tenant at a rent which *bona fide* includes payment for board.

29/1976
S. 5.

7. Sections 5 and 6 shall apply whether the letting in question began before or after the 28th June, 1965, but not so as to affect rent in respect of any period before that date or anything done or omitted during any such period.

Applica-
tion of
sections
5 and 6.
22/1965
S. 3.

8.—(1) The Minister may by order declare any class of premises specified in such order to be exempted premises.

Power
to exempt
classes of
premises.
43/1973
S. 5.

(2) The declaration of any class of premises to be exempted premises by an order under subsection (1) shall not render recoverable by a landlord any sum which, before the coming into force of that order, was not recoverable by such landlord, or affect the right of a landlord to recover any arrears of rent which, before the coming into force of that order, were recoverable by such landlord, or affect the right of a tenant to recover any rent or sum which, before the coming into force of that order, was recoverable by such tenant, or prevent or affect the prosecution, conviction or punishment of any person for anything done or omitted before the commencement of that order.

9.—(1) The Minister shall establish, for the purposes of this Act, so many Rent Assessment Boards, as he shall think fit and shall specify in relation to each Board the

Rent
Assessment
Boards.

(8) The Governor-General may appoint—

2/1983
S. 5(b).

(a) in respect of each Board—

(i) a Secretary, and such Assistant Secretaries, Valuation Officers and Inspectors as are necessary; and

(ii) such other servants or agents as may be required; and

(b) in respect of each area in relation to which a Board may exercise powers pursuant to subsection (1), a Rent Assessment Officer.

(9) The members of the Board shall receive such remuneration, if any, as the Minister may generally or specially direct.

29/1976
S. 6(b).

(10) No person shall act as a member of a Board in any matter in which, if he were a Judge, he would not be entitled to act on the ground of interest.

(11) The establishment of the Boards and all appointments under subsection (2), (3) or (5) or paragraph (a) of subsection (8) shall be published in the *Gazette*.

2/1983
S. 5(c).

(12) Any expenses properly incurred in carrying into effect the provisions of this Act shall be paid out of moneys provided for the purpose in the Estimates of Revenue and Expenditure of the Island.

27/1961
S. 3.

(13) The Chairman of every Board shall, on or before the 31st day of March in each year, prepare and present to the Minister a report dealing generally with the activities of the Board during the preceding year ending on the 31st day of December.

43/1973
S. 6(c).

10. Notwithstanding anything to the contrary, no person shall be deemed to hold an office of emolument under the Crown or under the Government of Jamaica or an office of emolument, the emolument of which is payable out of the funds of the public or of any parish or to be disqualified for election as a member of the House of

Membership of any panel or Rent Assessment Board not to constitute an office of emolument.
31/1954
S. 2.

Representatives merely by reason of his having been appointed to, or having served upon, any panel of persons constituted under subsection (3) of section 9, or having been selected or acted as a member of, or having received any fee or allowance by reason of having acted as a member of, any Rent Assessment Board established under subsection (1) of section 9.

Functions of
Assessment
Officers.
2/1983
S. 6.

10A—(1) Subject to the provisions of this Act or any regulations hereunder, an Assessment Officer shall have power to determine the standard rent of controlled premises and to perform such other functions as may be prescribed.

(2) Applications for review by a Board of any decision of an Assessment Officer may be made in accordance with the provisions of section 19A (3), or otherwise as may be prescribed.

(3) All documents and records kept for the purposes of this Act by an Assessment Officer shall be regarded as being so kept on behalf of the appropriate Board.

Proceedings of
Boards.

11—(1) At meetings of a Board, the decision of the majority of the members shall prevail:

Provided that if no majority decision is reached, the decision of the Chairman shall prevail.

2/1983
S. 7(a).

(1A) The Board shall have power to review any decision of an Assessment Officer under this Act and make such order as it thinks just and, for that purpose, may obtain, if it thinks fit, a fresh valuation of any premises.

(1B) Without prejudice to the generality of subsection (1A), the Board may exercise any of the powers of the Assessment Officer.

(2) Before making any order, a Board shall give all interested parties an opportunity of being heard and of adducing evidence.

(3) Evidence shall be given on oath and the proceedings of a Board shall be deemed to be judicial proceedings for the purposes of the Perjury Act.

(4) (i) A Board may, notwithstanding the absence of formal proof, take into consideration any relevant facts—

- (a) which are shown by the minutes or other due records of any Board to have been found to be proved at a meeting thereof; 22/1965
§. 5(b).
- (b) within the personal knowledge of any member of the Board or which were found to be proved at a meeting of a Board of which he was a member; or
- (c) contained in any return required under the provisions of section 12.

(ii) Notwithstanding the provisions of paragraph (i), no such facts shall be taken into consideration unless the party or parties present before the Board shall first be informed of the substance of such facts and shall be given an opportunity, if he or they so desire, of producing evidence in regard thereto.

(5) The Chairman shall have the powers of a Resident Magistrate to compel the attendance and examination of witnesses and the production of documents.

(6) The proceedings of Boards shall be open to the public, and minutes thereof, including a summary of the evidence given and a statement of all facts taken into consideration pursuant to the provisions of subsection (4), shall be kept by the Chairman.

(7) An interested party may be represented before the Board by an attorney-at-law. 36/1979
§. 5(a).

(8) An order of a Board shall operate from such date, whether before or after the date on which the order is made, as may be specified in the order, or, if no such

2/1983
S. 7(b).

date be specified, from the date of the order, so, however, that where an order of the Board relates to a Certificate of Assessed Rent, the order may operate prior to the date with effect from which the Certificate has effect but not prior to the date of issue of such Certificate. Any such order may be proved by production of a copy of the order purporting to be signed by the Chairman or by the Secretary of the Board.

(9) The Board shall have power to award costs in accordance with any scale of costs fixed by rules made under subsection (11).

(10) When an application has been made to a Board under this Act, the Board may make an order on such application notwithstanding the non-attendance of the applicant or any person interested before the Board.

36/1979
S. 5(b).

(11) A committee consisting of such number of members as the Minister thinks necessary, who shall be appointed by him from among the Chairmen of the Boards may, with the approval of the Minister, make rules not inconsistent with this Act, as to the form and manner of applications to the Boards, the fees to be paid on such applications, the scale of costs applicable to proceedings before the Boards, the procedure of the Boards, the forms of documents to be issued by the Boards and the manner in which they are to be certified or served. All fees shall be paid into the Consolidated Fund. With regard to any matter on which rules under this subsection have not been made, each Board may give such directions, and regulate its procedure in such manner, as may seem just:

Provided that no fees shall be taken except in accordance with rules made under this subsection.

(12) Any person aggrieved by an order of the Board may appeal to the Court of Appeal—

- (a) on any ground of appeal which involves a question of law alone; or
- (b) on any ground of appeal which involves a question of mixed law and fact.

(13) Rules of court may be made governing such appeals and all matters incidental thereto.

(14) Reference in this section to “party” or “interested parties” or “person aggrieved” includes reference to an Assessment Officer. 2/1983
S. 7(c).

12.—(1) An Assessment Officer or a Board may require a landlord or a tenant, or landlords and tenants generally, or landlords and tenants of any particular class or in any particular area, to render such returns in such form and containing such particulars in relation to any premises or matters affecting or directly or indirectly connected with the rental thereof as the Assessment Officer or the Board, as the case may be, may require. Power to
require
returns.
70/1958
S. 6(a).
2/1983
S. 8(a).

(2) Any person who contravenes any requirement of the Assessment Officer or the Board issued pursuant to subsection (1) shall be guilty of an offence against this Act. 70/1958
S. 6(b).
2/1983
S. 8(b).

13.—(1) Every Board—

- (a) shall keep a register showing the permitted rent of every premises in respect of which the Board or the Assessment Officer for its area has determined the standard rent and containing a record of all Certificates of Assessed Rent issued by it or by the Assessment Officer; and
- (b) shall, on the application of any person who satisfies the Board he is, or formerly has been, or proposes to become, a tenant of any premises shown on the register and on receipt of the prescribed fee, disclose to that person the maximum permitted rent of such premises and the particulars contained in the Certificate of Assessed Rent.

Duty
to keep
register.
2/1983
S. 9.

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(2) In this section "permitted rent" means the aggregate of the standard rent of any premises in any particular category of letting and of any increase in the standard rent of those premises in that category of letting permitted to be made under this Act.

Functions
of Valua-
tion Officers,
Valuers,
and Inspec-
tors.
29/1976
S. 8.
2/1983
S. 10(a)
(b) (c).

14.—(1) A Valuation Officer, or any person who, pursuant to section 15, is designated a Valuer—

- (a) may at any reasonable time enter any controlled premises and carry out such investigations in relation to the value of the premises as he thinks necessary for the purposes of this Act; and
- (b) shall make a report thereof to the appropriate Assessment Officer and, if required, give evidence before the Board in relation to the value of any controlled premises in respect of which the Board is reviewing a decision of the Assessment Officer.

(2) An Inspector shall, in respect of the area for which he is appointed—

- (a) make investigations with a view to ensuring compliance with the provisions of this Act;
- (b) perform such other functions as may be assigned to him by the Assessment Officer or the Board.

(3) An Inspector may—

- (a) at any reasonable time enter any controlled premises and require the landlord and any tenant to furnish, in respect of those premises, such information as the landlord or the tenant, as the case may be, possesses;
- (b) institute proceedings against landlords for breaches of any of the provisions of this Act.

Valuers.
2/1983
S. 11.

15.—(1) Where the Minister considers it expedient to do so, he may designate as Valuers for the purposes of this Act, and on such terms and conditions as he thinks fit—

- (a) public officers who by training or experience are qualified to be so designated; and
- (b) persons carrying on the business or occupation of real estate valuation who, by agreement with the Minister, undertake to perform the functions of Valuers for purposes of this Act.

(2) A Valuer designated under subsection (1) shall have the rights, powers, duties and privileges of a Valuation Officer under this Act and may, if the Minister thinks fit, be assigned to any Board.

(3) The designation of a person as a Valuer pursuant to this section shall be notified in the *Gazette*.

16.—(1) Any person who—

- (a) assaults or obstructs an Inspector acting in the performance of his functions under this Act;
- (b) supplies to an Inspector information in connection with any matter arising in the performance of his functions under this Act which such person knows to be false in any material particular;
- (c) bribes or attempts to bribe an Inspector in connection with any matter arising in the performance of his functions under this Act;
- (d) being an Inspector solicits or accepts any bribe in connection with any matter arising in the performance of his functions under this Act,

shall be guilty of an offence under this Act.

(2) A prosecution for an offence against paragraph (c) or (d) of subsection (1) shall not be instituted without the sanction of the Director of Public Prosecutions.

(3) In subsection (1) the expression “an Inspector” shall include a Valuation Officer and a Valuer.

Offences relating to functions of Inspectors. 27/1961 S. 4.

29/1976 S. 10.
2/1983 S. 12.

Standard
rent
pending
determina-
tion by As-
sessment
Officer.
29/1976
S. 11(a).
2/1983
S. 13.

17.—(1) Subject to subsection (2), until the standard rent of any premises in relation to any category of letting has been determined by an Assessment Officer under section 19, the standard rent of the premises in relation to that category of letting shall be the rent at which they were let in the same category of letting on the 1st day of July, 1976, plus any increases sanctioned pursuant to this Act or, where the premises were not so let on that date, rent at which they were last so let before that date plus such increases as aforesaid, or, in the case of premises first so let after that date, the rent at which they were, or are, first so let, plus such increases as aforesaid :

Provided that—

- (a) premises shall not, for the purposes of this section, be regarded as having been let in the same category of letting on or before the 1st day of July, 1976, if they were so let under a tenancy agreement or lease providing for a progressive rent;
- (b) in the case of premises let at a progressive rent payable under a tenancy agreement or lease the standard rent shall, until the tenancy is determined, be the maximum rent payable under the tenancy agreement or lease;
- (c) in the case of public or commercial buildings which were exempt, pursuant to paragraph (e) of the proviso to subsection (1) of section 3, prior to the 5th of April, 1983, the standard rent shall be the rent, if any, at which they were let at the date aforesaid.

(2) The determination by an Assessment Officer, pursuant to section 19 of the standard rent of any premises to which this Act applies—

- (a) being a dwelling-house that the Assessment Officer is satisfied was constructed or completed after the

31st day of August, 1980, shall, without prejudice to any assessment required consequent on a new date being prescribed pursuant to section 19, be with reference to the assessed value of such dwelling-house at the date of completion of construction thereof;

(b) being building land that the Assessment Officer is satisfied was first let as such after the 31st day of August, 1980, shall, without prejudice as aforesaid, be with reference to the assessed value of such building land at that date.

(c) being —

(i) a dwelling-house built prior to the 31st August, 1980; or

(ii) building land let prior to the 31st August, 1980,

and which the Assessment Officer is satisfied was purchased, in a transaction at arm's length, after the 31st August, 1980, and not later than the 31st October, 1982, shall, without prejudice as aforesaid, be with reference to the assessed value of the dwelling-house, or the building land, as the case may be, at the date of such purchase.

18.—(1) The landlord of any premises to which this Act applies, and which is, at the 5th of April, 1983, subject to a contract of tenancy shall, within such time as the Minister may specify by order published in the *Gazette*, apply to the Assessment Officer in the prescribed form for a determination of the standard rent of the premises.

Applica-
tions to
determine
standard
rent.
2/1983
§. 14.

(2) Subject to subsection (6), any person proposing to let premises to which this Act applies, shall, before letting the premises or as soon as possible thereafter, apply to the Assessment Officer to have the standard rent determined and shall disclose to the Assessment Officer the terms and condi-

tions of the letting or proposed letting and all the circumstances which will affect the standard rent of the premises.

(3) On an application in respect of any premises pursuant to subsection (1) or (2), the standard rent specified by the Assessment Officer in the Certificate of Assessed Rent issued in respect of such premises shall, with effect from the date specified therein as the date from which the Certificate takes effect, be the standard rent applicable to those premises.

(4) A Certificate of Assessed Rent issued pursuant to subsection (3) shall not affect the rights or obligations of the landlord or tenant in respect of any period prior to the date with effect from which the Certificate is stated to have effect, so, however, that the effective date shall not be later than ninety days after the date on which the Certificate is issued or such longer period as may be prescribed.

(5) Where an Assessment Officer is satisfied that any person required to make an application under this section in respect of any premises has failed to do so, he may, without prejudice to the prosecution of any offence under this section, determine the standard rent as though that person had applied and shall take steps to recover from that person the prescribed fee.

(6) Subject to section 21, after the issue of a Certificate of Assessed Rent under this section, in respect of any premises, it shall not be necessary for any further application to be made in respect of those premises nor shall any such application be entertained by the Assessment Officer, unless such application is made on—

- (a) action taken pursuant to the provisions of section 19 (8) (which relate to the fixing by the Minister of a new date as at which standard rents are to be determined); or
- (b) a change in the category of letting of the premises.

(7) Any application made pursuant to subsection (1) or (2) shall be accompanied by the prescribed fee.

(8) Any person who fails to comply with the provisions of subsection (1) or (2) is guilty of an offence against this Act and on summary conviction thereof in a Resident Magistrate's Court shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

19.—(1) An Assessment officer shall, in determining the standard rent of any premises in any category of letting, act according to the principle that the standard rent shall be a rent of which the annual rate is such percentage of the assessed value of the premises as the Minister shall prescribe by order.

Determina-
tion of
standard
rent by the
Assessment
Officer.
43/1983
S. 11.
2/1983
S. 15(a).

(2) Every order made under subsection (1) shall be subject to affirmative resolution.

(3) An order made under subsection (1) may prescribe different percentages in respect of—

- (a) different categories of letting;
- (b) the portion of premises which consists of a building;
- (c) the portion of premises which consists of land (including any swimming-pool, water tank, well, fence, driveway and paved area) occupied and enjoyed with the building under the tenancy.

36/1979
S. 6.

(4) In subsection (1) "the assessed value of the premises" means the value of the premises assessed by the Assessment Officer —

2/1983
S. 15(d).

- (a) as being such value as obtained on the prescribed date;
- (b) on the basis that it is intended that those premises will at all times thereafter be used substantially for

letting in the category of letting in which they are at that date let or proposed to be let; and

- (c) having regard to a certificate of valuation of those premises prepared by a Valuation Officer or Valuer.

(5) Where—

- (a) a dwelling-house forms part of any premises; and
- (b) an Assessment Officer is not satisfied that such dwelling-house is reasonably marketable separately from the remainder of those premises; and
- (c) the remainder of those premises is used or intended to be used mainly for the purpose of a dwelling or dwellings,

2/1983
S. 15 (b)

the Assessment Officer may determine the standard rent of those premises in accordance with subsection (1) as if they were let as a single dwelling-house and thereupon determine the standard rent of the dwelling-house referred to in paragraph (a) of this subsection by making such apportionment as seems just.

2/1983
S. 15(b)(c).

(6) Where, for the purpose of determining the standard rent of any controlled premises, it is necessary to apportion the rent at the date in relation to which the standard rent is fixed, the Assessment Officer may, on the application of either party or of the superior landlord, make such apportionment as seems just.

(7) Where an Assessment officer is satisfied that it is not practicable to determine the standard rent of any premises in accordance with the provisions of subsection (1), the Assessment Officer may determine the same to be such rent as seems just, regard being had, so far as the Assessment Officer thinks practicable, to all the circumstances, including the actual or estimated cost of the premises, any amenities enjoyed therewith and the locality.

2/1983
S. 15 (b)(e).

(8) In this section “the prescribed date” means the 31st day of August, 1980, or such other date as the Minister may by order prescribe.

2/1983
S. 15(e).

(9) Any order made pursuant to subsection (8) shall be subject to affirmative resolution.

19A.—(1) The Assessment Officer shall, on determining the standard rent of any premises in any category of letting, notify the landlord of the premises and issue to the landlord, on receipt of the prescribed fee, a Certificate of Assessed Rent in duplicate.

Certificate of Assessed Rent. 2/1983 S. 16.

(2) Where the Assessment Officer, on issuing a certificate pursuant to subsection (1), is aware that the premises are tenanted he shall, by notice, inform the tenant of the standard rent determined for those premises and of the date with effect from which that rent applies pursuant to the Certificate of Assessed Rent.

(3) Where a landlord or tenant objects to any matter specified in the Certificate of Assessed Rent or any order made pursuant to subsection (1) of section 21, he may, within sixty days of the issue of the Certificate or of the making of the order, as the case may be, or such longer time as the Board may in any case allow, apply to the Board for a review of the Assessment Officer's decision and section 11 shall apply accordingly.

(4) A landlord or any person who satisfies an Assessment Officer that he is, or formerly has been, or proposes to become, a tenant of any premises in respect of which a Certificate of Assessed Rent has been issued may, on payment of the prescribed fee, obtain from the Assessment Officer a certified copy of the Certificate.

19B.—[*Repealed by Act 2 of 1983, S. 16*]

20.—(1) Subject to the provisions of this Act, where, at any time after the commencement of this Act, the rent of any controlled premises exceeds the standard rent by more than the amount permitted under this Act, the amount of

Maximum permitted rent.

RENT RESTRICTION

22/1965
S. 7(a).

such excess shall, notwithstanding any agreement or lease made before or after the commencement of this Act to the contrary, be irrecoverable from the tenant, and if it is paid by the tenant, shall be recoverable by him, or by persons claiming through him, from the person to whom it was paid or his personal representative, by way of an action before a court which would have cognizance thereof if the action were for recovery of a debt of that amount arising out of a contract between the parties to the action, and may, without prejudice to any other method of recovery, be deducted from any rent or money due or subsequently becoming due from the tenant.

(2) Any transfer to the tenant of any burden or liability which, in calculating the standard rent of any premises, is treated as borne by the landlord, shall, for the purposes of this Act, be treated as an alteration of rent, and where, as a result of such a transfer, the terms on which the premises are held are on the whole less favourable to the tenant, the rent shall be deemed to be increased whether or not the sum periodically payable by way of rent is increased; and any increase of rent in respect of any transfer to the landlord of any burden or liability which, in calculating the standard rent of any premises, is treated as borne by the tenant where, as a result of such transfer, the terms on which the premises are held are on the whole not less favourable to the tenant, shall be deemed not to be an increase of rent for the purposes of this Act:

Provided that, for the purposes of this Act, the rent shall not be deemed to be increased, where a liability for rates or taxes is transferred by the landlord to the tenant, if a corresponding reduction is made in the rent.

2/1983
S. 17.

(3) Any landlord who knowingly demands or knowingly receives any rent which is by this Act irrecoverable is

guilty of an offence against this Act and, on summary conviction in a Resident Magistrate's Court, is liable—

(a) where the landlord is not a body corporate, to a fine not exceeding two thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months or to both such fine and imprisonment; and

(b) where the landlord is a body corporate, to a fine not exceeding four thousand dollars,

and, without prejudice to any other right which the tenant may have to recover rent overpaid the Court in which the conviction is obtained may order the landlord to repay the same.

21.—(1) The amounts by which the rent of any controlled premises may exceed the standard rent shall, subject to the provisions of this Act, be—

How
increases
in rents
may be
allowed or
restricted.
43/1973
S. 13.
2/1983
S. 18(a).

(a) any amount sanctioned by order of an Assessment Officer, on the application of a landlord, where the landlord has incurred expenditure in effecting—

(i) substantial improvements or structural alterations in the premises; or

(ii) substantial improvements to the amenities of the premises, or substantial improvements in the locality from which the tenant derives benefit, not being improvements for necessary maintenance and drainage;

(b) where the rates and taxes (other than water rates and sewer rates) payable in relation to the premises have been increased after the date on which an Assessment Officer or a Board, pursuant to section 11, determined the standard rent of the premises, such portion, if any, of the increase as the Assessment Officer, on the application of the landlord, may by order sanction;

36/1979
S. 8.
2/1983
S. 18(a).

(c) the amount of any percentage increase sanctioned under subsection (2).

(2) The Minister may by order—

(a) sanction an increase of the rents of premises either generally or in any area specified in the order by such percentage of the respective standard rents as he may specify in the order; or

(b) declare that subject to such exceptions as may be specified in the order no increase in the rents of premises in any area specified in the order shall be made during such period as shall be specified in the order.

(3) Every order made under subsection (2) shall be subject to affirmative resolution.

(4) No application under paragraph (a) of subsection (1) shall be made or considered in relation to any premises within a period of two years after an increase was sanctioned by the Board or the Assessment Officer, as the case may be, on a similar application in respect of the same premises.

2/1983
S. 18(b).

When
increase
in rent
recoverable
pursuant to
increase
in taxes.
43/1973
S. 14.

Second
Schedule.
29/1976
S. 13(a).
36/1979
S. 9.

22.—(1) Notwithstanding any agreement to the contrary, an increase in the rent of any controlled premises which is permitted to be made under paragraph (b) of subsection (1) of section 21 shall not be due or recoverable—

(a) until the expiry of one clear week after the landlord has served on the tenant a valid notice in the form set out in the Second Schedule of his intention to increase the rent; or

(b) in respect of any period prior to the expiry of one clear week after the service of the notice referred to in paragraph (a).

(2) A notice under paragraph (a) of subsection (1) shall not be deemed effective unless a certificate, signed by the Chairman or Secretary of the Board, or by the Assess-

2/1983
S 19.

ment Officer and verifying the amount of increase which is permitted, is served with the notice.

(3) Where a valid notice of an increase of rent has been served on any tenant the increase may be continued without service of any fresh notice on any subsequent tenant.

(4) Any person who serves a notice under this section which is false or misleading in any material respect shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars. 29/1976
S. 13(b).

23.—(1) The landlord of any controlled premises shall, on being requested in writing by the tenant thereof, supply him with a statement in writing showing the permitted rent of such premises, and if without reasonable excuse he fails within fourteen days to do so, or supplies a statement which is false in any material particular, he shall be guilty of an offence against this Act and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars. Statement
as to
permitted
rent to be
supplied.
22/1965
S. 9.

29/1976
S. 14.
2/1983
S. 20(a).

(2) Where a building contains—

- (a) two or more rooms; or
- (b) two or more parts,

which are separately let and to which this Act for the time being applies the landlord shall exhibit and keep exhibited in a prominent place in such building and open to view a notice in the prescribed form showing the permitted rent of each such room or part of the building, and a landlord who fails so to do, or who exhibits a notice which is false in any material particular, shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine of one thousand dollars. 29/1976
S. 14.

(3) In this section—

2/1983
S. 20(b).

“permitted rent” has the same meaning as attributed to that expression in subsection (2) of section 13;

“prescribed” means prescribed by regulations made by the Minister.

Restriction
on demand
of pre-
miums.

24.—(1) A person shall not, as a condition of the grant, renewal, or continuance, of a tenancy of any controlled premises, not being a tenancy under a lease, or a renewal or continuance of a lease, for a term of twenty-five years or more, require the payment of any fine, premium, or other like sum, or the giving of any consideration in addition to the rent, and where any such payment or consideration shall be paid after the commencement of this Act, the amount or value thereof shall be recoverable by the person by whom it was made or given or his personal representatives.

(2) Any person after the commencement of this Act requiring any payment or the giving of any consideration in contravention of this section, shall be guilty of an offence against this Act, and, if he has received such payment or consideration, the court in which the conviction is obtained may order him to repay the amount or value of the same to the person from whom it was received.

29/1976
S. 15.

(3) Nothing in subsection (1) shall prevent a landlord from requiring from a tenant reimbursement of any sum paid by the landlord for water, electricity, gas, attendance or any other service supplied to the tenant on premises let to him by the landlord, being sums paid in respect of such services as aforesaid known or reasonably estimated by the landlord to have been used or enjoyed by the tenant.

(4) A landlord requiring reimbursement pursuant to subsection (3) shall produce to the tenant any bill received by the landlord for the service in respect of which the reimbursement is required, and any dispute between the

landlord and the tenant as to the sum to be reimbursed by the tenant shall be settled by a Board on the application of the landlord or the tenant.

(5) If the landlord of any controlled premises fails to pay any sum which he is liable to pay for water, electricity, gas, attendance or any other service supplied to or rendered in respect of the premises, the tenant may pay that sum and, subject to the provisions of subsections (3) and (4), may deduct it from any rent or money due or subsequently becoming due from him to the landlord.

25.—(1) Subject to section 26, no order or judgment for the recovery of possession of any controlled premises, or for the ejection of a tenant therefrom, shall, whether in respect of a notice to quit given or proceedings commenced before or after the commencement of this Act, be made or given unless—

Restrictions
of right to
possession.
41/1960
S. 3.

- (a) some rent lawfully due from the tenant has not been paid for at least thirty days after it became due; or
- (b) some other obligation of the tenancy (whether express or implied and whether under the contract of tenancy or under this Act) so far as the same is consistent with the provisions of this Act has been broken or not performed and, in the case of the non-performance of any such obligation by the tenant, the tenant has been in default for at least thirty days; or
- (c) the tenant or any person residing or lodging with him or being his sub-tenant has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose, or the condition of the premises has, in the opinion of the

RENT RESTRICTION

court, deteriorated or become insanitary owing to acts of waste by, or the neglect or default of, the tenant or any such person, and, where such person is a lodger or sub-tenant, the court is satisfied that the tenant has not, before the making or giving of the order or judgment, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant; or

- (d) the tenant has given notice to quit, and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession; or
- (e) the premises being a dwelling-house or a public or commercial building, are reasonably required by the landlord for—
 - (i) occupation as a residence for himself or for some person wholly dependent upon him, or for any person *bona fide* residing or to reside with him, or for some person in his whole-time employment; or
 - (ii) use by him for business, trade or professional purposes; or
 - (iii) a combination of the purposes in sub-paragraphs (i) and (ii); or
- (f) the premises, being building land, are reasonably required by the landlord for—
 - (i) the erection of a building to be used for any of the purposes specified in paragraph (e); or
 - (ii) use by him for business, trade or professional purposes not involving the erection of a building; or

- (iii) a combination of such purposes; or
- (g) the premises or any portions thereof, have been compulsorily acquired under the Land Acquisition Act, or are required for the purposes of an approved scheme under the Housing Act; or ^{70/1958} S. 9(a) (b).
- (h) the premises, being a dwelling-house or a public or commercial building, are required for the purpose of being repaired, improved, or rebuilt; or
- (i) the premises, being a dwelling-house, are required for occupation as a residence by a former tenant thereof who gave up occupation in consequence of his service in any of Her Majesty's Forces during the war; or
- (j) the premises are required for public purposes; or
- (k) the dwelling-house, or the public or commercial building, or the building erected by the tenant on building land, as the case may be, is required by law to be demolished; or
- (l) the tenant has sub-let, or parted with the possession of, the whole or any part of the premises without either obtaining the consent of the landlord or being expressly authorized by or under the tenancy agreement or lease so to do; or
- (m) the tenant of a dwelling-house, or of building land on which the building erected by the tenant is used or is intended to be used mainly as a dwelling, uses the house or building mainly for business, trade or professional purposes without either obtaining the consent of the landlord or being authorized by or under the tenancy agreement or lease so to do; or
- (n) the tenant has been offered by the landlord in writing a new tenancy at a higher rent which is

SH 18 VOL XXVII

permissible under this Act but otherwise on the same terms as the existing tenancy and has failed to accept such offer in writing within a reasonable time; or

- (o) *[Deleted by Act 36 of 1979.]*
- (p) a dwelling-house has been let to a tenant in the employment of the landlord on condition that the tenancy shall subsist only during the continuance of such employment, or only until the expiration of a period not exceeding one month after the termination of such employment, and the employment has terminated, or such period has expired as the case may be; or
- (q) a dwelling-house has been let to a tenant in the employment of the landlord in consequence of that employment, and the employment has determined or the landlord has offered the tenant alternative accommodation,

and unless in addition, in any such case as aforesaid, the court asked to make the order or give the judgment considers it reasonable to make such order or give such judgment:

Provided that an order or judgment shall not be made or given on any ground specified in paragraph (e), (f) or (h) unless the court is also satisfied that, having regard to all the circumstances of the case, less hardship would be caused by granting the order or judgment than by refusing to grant it; and such circumstances are hereby declared to include—

- (i) when the application is on a ground specified in paragraph (e) or (f), the question of whether other accommodation is available for the landlord or the tenant;

- (ii) when the application is on a ground specified in paragraph (h), the question of whether other accommodation is available for the tenant.

(2) A court asked to make such an order or give such a judgment— 29/1976
S. 16.

(a) shall require the Secretary of a Board to furnish the court with a certificate setting out such information as the Board possesses in relation to the premises in respect of which the application is made;

(b) may—

- (i) adjourn the application from time to time;
- (ii) stay or suspend execution of the order or judgment, or postpone the date of possession for such period as it thinks fit, and from time to time grant further stays or suspensions of execution and further postponements of the date of possession;

(c) shall, if it makes the order or gives the judgment, state in writing the grounds on which it does so. 36/1979
S. 10(b).

(3) Any adjournment, stay, suspension or postponement under paragraph (b) of subsection (2) may be subject to such conditions, if any, as the court thinks fit, and, if those conditions are complied with and the order has been made or the judgment given, the court may discharge or rescind the order or judgment.

(4) A certificate of the Assessment Officer or the Secretary of a Board, purporting to be signed by him as such, and furnished to the court in accordance with a requirement under paragraph (a) of subsection (2) shall be admissible as *prima facie* evidence of the matters stated therein: 2/1983
S. 21(a).

2/1983
S. 21(b).

Provided that any of the parties to the proceedings may require the Assessment Officer or the Secretary to attend and give evidence to the court.

(5) Nothing in this Act shall prevent the making of an order for the ejectment of any person where, in the opinion of the court asked to make the order, the ejectment is expedient in the interest of public health or public safety.

(6) If, after a landlord has obtained an order or judgment for possession or ejectment under this section, it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as a result of the order or judgment.

(7) In granting an order or giving judgment under this section for possession or ejectment in respect of building land, the court may require the landlord to pay to the tenant such sum as appears to the court to be sufficient as compensation for damage or loss sustained by the tenant, and effect shall not be given to such order or judgment until such sum is paid.

(8) Whenever a landlord has obtained an order or judgment for possession of any controlled premises on any ground specified in paragraph (e), (f) or (i) of subsection (1), and the order or judgment is executed or the tenant voluntarily gives up his tenancy in consequence of that order or judgment, the landlord shall be guilty of an offence against this Act—

(a) if, without first obtaining the permission of the Board, he uses or permits to be used or occupies or permits to be occupied or lets the premises at any time for any purpose other than the purpose

which constituted the ground on which the order was made or the judgment was given; or

- (b) if, having obtained permission as aforesaid, he fails to comply with any terms or conditions which the Board may have attached to that permission,

and the Board may decline to grant any such permission as aforesaid in any case in which the landlord has failed to take such steps (if any) to renew the tenancy of the former tenant as the Board may have directed, or in any case in which the Board is not satisfied that the premises will be used, occupied or let to good advantage having regard to any prevailing shortage of similar accommodation.

(9) Whenever a landlord has obtained an order or judgment for possession of any controlled premises on any ground specified in paragraph (h) of subsection (1), and the order or judgment is executed or the tenant voluntarily gives up his tenancy in consequence of that order or judgment, the landlord shall be guilty of an offence against this Act—

- (a) if, without first obtaining the permission of the Board, he uses or permits to be used or occupies or permits to be occupied or lets the premises at any time; or
- (b) if, having obtained permission as aforesaid, he fails to comply with any terms or conditions which the Board may have attached to that permission,

and the Board may decline to grant any such permission as aforesaid on any ground on which the Board could decline permission under subsection (8).

Termination of tenancy of public and commercial buildings.
41/1960
S. 4.
36/1979
S. 11.

26.—(1) Subject to the provisions of this section, the landlord of any public or commercial building may terminate the tenancy by notice in writing given to the tenant specifying the date at which the tenancy is to come to an end (hereinafter referred to as “the date of termination”).

(2) A notice under subsection (1) shall not have effect for the purposes of this Act unless it is given—

- (a) not less than twelve months before the date of termination specified therein; and
- (b) in the case of premises leased to the tenant for a fixed term of years, not more than twelve months before the date of expiration of the lease.

(3) The tenant may not more than nine months after the giving of the notice to quit—

- (a) give notice in writing to the landlord of his intention to remain on the premises after the date of termination; and
- (b) apply to the court for an order substituting for the date of termination a new date at which the tenancy is to come to an end (hereinafter referred to as “the substituted date of termination”).

(4) An application under subsection (3) shall be made by way of complaint upon oath before a Justice of the Peace and thereupon a summons shall issue to the landlord returnable before the Resident Magistrate for the parish in which the premises or part thereof are situated.

(5) An application under subsection (3) shall be dealt with summarily.

(6) An order granting an application under subsection (3)—

- (a) shall fix a substituted date of termination which shall not be more than twelve months later than the date of termination;

- (b) shall operate for all purposes as an order for the recovery of possession of the premises concerned on the substituted date of termination;
- (c) may be made upon such terms and conditions and may include such order as to costs as the court thinks fit.

(7) An order under subsection (6) shall not be made unless—

- (a) a notice under paragraph (a) of subsection (3) has been given to the landlord;
- (b) the court considers it reasonable to make the order; and
- (c) the court is satisfied that having regard to all the circumstances of the case, less hardship would be caused by the making of the order than by refusing to make it.

(8) In refusing to make an order under subsection (6) the court may make such order as to costs as it thinks fit.

27.—(1) Except under an order or judgment of a competent court for the recovery of possession of any controlled premises, no person shall forcibly remove the tenant from those premises or do any act, whether in relation to the premises or otherwise, calculated to interfere with the quiet enjoyment of the premises by the tenant or to compel him to deliver up possession of the premises.

Prohibition of
eviction of
tenant.
36/1979
S. 12.

(2) Every person who contravenes any of the provisions of subsection (1) shall, upon summary conviction thereof before a Resident Magistrate, be liable to be imprisoned for any term not exceeding twelve months.

Conditions
of statutory
tenancy.
22/1965
S. 10.

28.—(1) A tenant who, under the provisions of this Act, retains possession of any premises, shall, so long as he retains possession, observe and be entitled whether as against the landlord or otherwise, to the benefit of all the terms and conditions of the original contract of tenancy, so far as the same are consistent with the provisions of this Act, and shall be entitled to give up possession of the premises only on giving such notice as would have been required under the original contract of tenancy:

Provided that, notwithstanding anything in the contract of tenancy, a landlord who obtains an order for the recovery of possession of premises or for the ejectment of a tenant retaining possession as aforesaid shall not be required to give any notice to quit to the tenant.

(2) Any tenant retaining possession as aforesaid shall not, as a condition of giving up possession, ask to receive the payment of any sum, or the giving of any other consideration by any person other than the landlord, and any person acting in contravention of this subsection shall be guilty of an offence against this Act, and the court by which he was convicted may order any such payment or the value of any such consideration to be paid to the person by whom the same was given, but any such order shall be in lieu of any other method of recovery prescribed by this Act.

(3) Where the interest of a tenant of a dwelling-house is determined, either as the result of an order for possession or ejectment, or for any other reason, any sub-tenant to whom the premises or any part thereof have been sub-let either with the consent of the landlord or in accordance with express authority conferred by or under the tenancy agreement or lease shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms as he would have held from the tenant if the tenancy had continued.

29.—(1) The landlord of any controlled premises shall keep a rent book in respect of the premises.

Rent
books.
29/1976
S. 17.

(2) Every rent book shall contain—

- (a) particulars of the name and address of the landlord;
- (b) particulars of the premises to which the rent book relates;
- (c) particulars of the rent and of any other terms or conditions of the tenancy agreement;
- (d) the maximum rent permitted under the Act;
- (e) the date of issue of the Certificate of Assessed Rent;
- (f) such other particulars as the Minister may, by order, prescribe.

2/1983
S. 22(a).

(3) The landlord of any controlled premises shall—

- (a) as soon as he receives payment of any sum for or on account of rent for the premises, make an entry in the rent book showing the amount received, the name of the tenant by whom, or on whose behalf, the payment was made, and (if the tenant is in arrear) the sum in respect of which he is in arrear;
- (b) at such times as the tenant requests him so to do, produce the rent book to the tenant for his inspection;
- (c) at such times as a Board, an Assessment Officer or an Inspector requires him to do so, produce the rent book to a Board, the Assessment Officer or Inspector, as the case may require.

2/1983
S. 22(b).

(4) Any person who—

- (a) makes in any rent book any entry showing or purporting to show any tenant as being in arrear

RENT RESTRICTION

in respect of any sum which by virtue of this Act is irrecoverable; or

(b) contravenes any of the provisions of subsections (1), (2) and (3),

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars and in default of payment to imprisonment for a term not exceeding three months.

General
penalty.

27/1961
S. 7.

30. Any person who shall be guilty of an offence against this Act for which no special punishment is provided shall be liable upon summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment with or without hard labour for any term not exceeding six months or to both such fine and such imprisonment or, if such person is a corporation, shall be liable to a fine not exceeding two thousand dollars.

Notice
to quit.
36/1979
S. 13.

31.—(1) No notice given by a landlord to quit any controlled premises shall be valid unless it states the reason for the requirement to quit.

(2) Where the reason given in any notice referred to in subsection (1) is that some rent lawfully due from the tenant has not been paid, the notice shall, if the rent is paid before the date of expiry of the notice, cease to have effect on the date of payment.

2/1983
S. 23(a).

(3) Where any notice referred to in subsection (1), other than a notice under section 26 (1), is given after a tenant has, under section 19A (3) of this Act or under section 30 (now omitted) of the Rent Restriction (Amendment) Act, 1983 (which relates to exclusion of certain commercial buildings from this Act), applied to a Board to review a decision of the Assessment Officer the period of the notice shall, notwithstanding anything to the contrary in the notice, be deemed to be not less than one month and to commence—

- (a) when the Board disposes of the review; or
- (b) four months after the date of service of the notice, whichever is the earlier.

(4) Subject to subsection (2), where, in relation to any controlled premises, the landlord or tenant has given notice to quit, or the landlord has commenced proceedings for the recovery of possession of the premises or for the ejectment of the tenant therefrom, the acceptance by the landlord of payment of rent for any period during which the tenant remains in possession of the premises after the giving of the notice or the commencement of the proceedings shall not prejudice the notice or proceedings. 2/1983
S. 23(b).

32. }
 33. }
 34. } [Repealed by Act 2 of 1983, S.24]
 35. }

36.—(1) A court of competent jurisdiction or a Board, subject to the provisions of subsection (2) may — Order for
payment of
overdue rent
or for refund
of excess
rent.
36/1979
S. 17.
2/1983
S. 25(a).

- (a) on the application of the landlord, where any rent lawfully due from the tenant of any controlled premises has not been paid for at least thirty days after it became due, order the tenant to pay the amount which the court or the Board, as the case may be, is satisfied is due to the landlord at the date of the hearing of the application; and
- (b) on the application of the tenant, where any rent in excess of the permitted rent has been collected from the tenant of any controlled premises by the landlord, order the landlord to pay to the tenant the amount which the court or the Board, as the case may be, is satisfied is, pursuant to such over-collection, refundable to that tenant at the date of the hearing of the application and the amount may,

without prejudice to any other matter of recovery, be deducted from any rent or money due or subsequently becoming due from the tenant.

(2) The amount in respect of which the Board may order payment under subsection (1) shall not exceed the amount in respect of which a Resident Magistrate's Court has jurisdiction in actions arising from contract.

2/1983
S. 25(b).

(3) The Secretary of the Board shall forthwith upon the making of an order by the Board under subsection (1), lodge the order with the Clerk of the Courts for the parish in which the premises to which the order relates are situated.

(4) Every order which is lodged with the Clerk of the Courts in accordance with this section shall be treated as if it were an order made by the Resident Magistrate's Court for the payment of money, and the provisions in respect of execution made by sections 213 to 247 (both inclusive) of the Judicature (Resident Magistrates) Act shall apply in relation thereto as they apply in relation to an order made by the Court.

(5) The fees payable on an application to the Board under this section shall be the same as the fees payable on a plaint in the Resident Magistrate's Court and shall be paid by means of adhesive stamps of the pattern used for such a plaint.

Regulations
2/1983
S. 26.

37. The Minister may make regulations for giving effect to this Act and, without prejudice to the generality of the foregoing, such regulations may—

- (a) regulate the activities of Valuation Officers and Valuers for the purposes of this Act; and
- (b) prescribe any matter required by this Act to be prescribed.

FIRST SCHEDULE

(Section 4) 36/1979
S. 18.

PART I

Landlord's Covenants

The landlord agrees—

- (a) to keep the premises in a tenable state of repair and to observe reasonable standards of maintenance;
- (b) to permit the tenant on his paying the rent and fulfilling his other obligations under the tenancy peaceably and quietly to occupy and enjoy the premises without any interruption by the landlord or any person rightfully claiming under or in trust for him;
- (c) to pay punctually at all times all rates and taxes payable by him in respect of the premises;
- (d) to indemnify and save the tenant harmless from any loss arising from any act, negligence or default of the landlord, his servants or agents.

PART II

Tenant's Covenants

The tenant agrees—

- (a) to keep the premises in good order and condition, fair wear and tear excepted;
- (b) to pay the rent on the due date;
- (c) to keep the premises in a sanitary condition and to refrain from any conduct which is a nuisance or annoyance to adjoining occupiers;
- (d) to refrain from cutting down, injuring or destroying, without the landlord's consent, any trees standing on the premises, and to refrain from causing damage to any part of the premises;
- (e) to refrain from using the amenities of the premises in a wasteful manner;
- (f) to permit the landlord or his agents at all reasonable times to enter upon and inspect the premises and the state and condition of every part thereof and carry out necessary repairs;
- (g) not to sublet the premises or any part thereof without the prior consent in writing of the landlord;
- (h) if, while owing rent on the premises, he proposes or is obliged to vacate them, to notify the landlord, prior to vacating or within a reasonable time thereafter, of the arrangements made for the payment of the rent and of the address at which, if necessary, process for recovery of rent may be served.

2/1983
S. 27.

RENT RESTRICTION

36/1979
S. 19(a)

SECOND SCHEDULE

(Section 22)

Date.....

To.....

.....
(Name of tenant)

TAKE NOTICE that I intend to increase the rent of \$.....
per.....at present payable by you as tenant
of premises at.....

.....
(Address of premises)

36/1979
S. 19(b).
2/1983
S. 28 (a) (b).

by the amount of \$.....sanctioned by the Rent Assessment Board/
Assessment Officer.

The certificate of the Chairman/Secretary of the Rent Assessment
Board or the Assessment Officer, as the case may be, verifying that
the said increase in rent is permitted under the Act, is attached hereto.

.....
(Signature of Landlord or his agent)

.....
(Address)