

Hon. Mr. Mason.

FAIR RENTS AMENDMENT.

ANALYSIS.

Title.		
1. Short Title.	PART I.	PART II.
	DURATION OF PRINCIPAL ACT.	SHOPS, FLATS, AND ACCOMMODATION.
2. Duration of principal Act extended.	2. Duration of principal Act extended.	3. Interpretation. 4. Shops and flats to which this Part applies. 5. Restriction on raising rent of shops and flats. 6. Application of principal Act to shops and flats. 7. Power to make regulations regulating charges for residential accommodation.

A BILL INTITULED

AN ACT to amend the Fair Rents Act, 1936. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority
5 of the same, as follows:—

1. This Act may be cited as the Fair Rents Short Title.
Amendment Act, 1939, and shall be read together
with and deemed part of the Fair Rents Act, 1936 1936, No. 14
(hereinafter referred to as the principal Act).

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PART I.

DURATION OF PRINCIPAL ACT.

2. (1) The principal Act shall continue in force
until the thirtieth day of September, nineteen hundred
and forty, and shall then be deemed to be repealed. Duration of
principal Act
extended.

15 (2) Section eighteen of the Statutes Amendment 1938, No. 20
Act, 1938, is hereby repealed.

No. 58—1.

PART II.

SHOPS, FLATS, AND ACCOMMODATION.

Interpretation.

3. In this Part of this Act, unless the context otherwise requires,—

“ Shop ” means any premises used by a tenant 5
exclusively or principally as a shop:

“ Flat ” means any part of a building where that
part is let as a separate dwelling and the
building was originally designed and con- 10
structed for the purpose of being let as more
than two separate flats or apartments; but
does not include—

(a) Any premises let at a rent that
includes payments in respect of board or
attendance; or 15

(b) Any premises used by the tenant
exclusively or principally for business
purposes.

Shops and
flats to
which this
Part applies.

4. (1) Nothing in this Part of this Act shall apply
with respect to any shop that is let for the first time 20
as a shop at any time after the passing of this Act.

(2) Nothing in this Part of this Act shall apply
with respect to any flat—

(a) That is let for the first time as a flat after the
passing of this Act; or 25

(b) That has not been let as a flat at any time since
the *first* day of *June*, nineteen hundred and
thirty-nine, and before the passing of this
Act; or

(c) That is let as a flat on the passing of this Act 30
at a rent exceeding one hundred and fifty-six
pounds a year (whether or not such rent is
computed on an annual basis); or

(d) That in the case of a flat to which the *last*
preceding paragraph does not apply, has at 35
any time since the *first* day of *June*, nineteen
hundred and *thirty-nine*, and before the
passing of this Act, been let as a flat at a
rent exceeding one hundred and fifty-six
pounds a year (whether or not such rent is 40
computed on an annual basis).

(3) Except as provided in the foregoing provisions of this section, the provisions of this Part of this Act with respect to shops and flats shall apply to all shops and flats that on the passing of this Act or

5 any time thereafter are let as such.

5. (1) For the purposes of this Part of this Act the expression "the basic rent" means—

Restriction on raising rent of shops and flats.

(a) With reference to any shop or flat let as such on the *first* day of *June*, nineteen hundred and *thirty-nine*, the rent payable as on that

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date:

(b) With reference to any shop or flat not let as such on the *first* day of *June*, nineteen hundred and *thirty-nine*, the rent that was last payable before that date, or, in the case of any shop or flat first let as such after the *first* day of *June*, nineteen hundred and *thirty-nine*, and before the passing of this Act, the rent that was first payable in respect thereof.

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(2) Any increase in the basic rent of any shop or flat to which this Part of this Act applies that has been made since the *first* day of *August*, nineteen hundred and *thirty-nine*, and before the passing of this Act, and any increase in the basic rent of any such shop or flat that is made after the passing of this Act shall, notwithstanding anything to the contrary in any agreement, be irrecoverable.

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(3) Nothing in the foregoing provisions of this section shall be deemed to render irrecoverable any rent payable in respect of any shop or flat for any period if a fair rent has been fixed in accordance with the principal Act as applied by this Part of this Act in respect of the shop or flat for that period, and the rent charged does not exceed the fair rent so fixed.

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6. (1) Subject to the provisions of this Part of this Act, the provisions of the principal Act and its amendments, except sections two, three, and four of the principal Act, shall, so far as they are applicable and with the necessary modifications, apply with respect to shops and flats to which this Part of this Act applies:

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Application of principal Act to shops and flats.

Provided that section sixty-three of the Finance Act, 1937, shall not apply with respect to shops.

1937, No. 17

(2) In the application of subsection two of section seven of the principal Act in accordance with this section, that subsection shall be construed as if the reference therein to the rent (if any) payable as on the twenty-seventh day of November, nineteen hundred and thirty-five, were a reference to the rent (if any) payable as on the *first* day of *January*, nineteen hundred and *thirty-nine*, or as on the *first* day of *June*, nineteen hundred and *thirty-nine*, whichever is the lower.

(3) In the application of subsection one of section thirteen of the principal Act in accordance with this section, that subsection shall be construed as if the following paragraph were added thereto:—

“(h) That the premises are reasonably required by the landlord for demolition or reconstruction.”

Power to make regulations regulating charges for residential accommodation.

7. Without limiting the general power to make regulations conferred on the Governor-General by section twenty-four of the principal Act, it is hereby declared that regulations may be made under that section for the purpose of regulating charges in respect of residential accommodation in any premises, whether with or without any attendance or services.