

1976/232



THE RENT FREEZE REGULATIONS 1976

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of August 1976

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title—These regulations may be cited as the Rent Freeze Regulations 1976.

2. Commencement and expiry—(1) These regulations shall come into force on the 18th day of August 1976.

(2) These regulations shall continue in force until the close of the 31st day of December 1976, and shall then expire.

3. Rents frozen—(1) Notwithstanding anything in any enactment or in any lease or agreement, where any land, building (which term for the purposes of these regulations includes any part of a building), or other premises were let, with or without chattels, on the 17th day of August 1976, the rent payable in respect of that land, that building, or those other premises in respect of the period beginning with the 18th day of August 1976 and ending with the 31st day of December 1976 shall not exceed the rent payable in respect thereof as on the 17th day of August 1976.

(2) The provisions of subclause (1) of this regulation applies whether or not the tenant occupying the land, building, or other premises during the period beginning with the 18th day of August 1976 and ending with the 31st day of December 1976 is the same as the tenant occupying the land, building, or other premises on the 17th day of August 1976.

(3) Notwithstanding anything in any enactment or in any lease or agreement, where, at any time during the period beginning with the 18th day of August 1976 and ending with the 31st day of December 1976, the rent payable in respect of any land, building, or other premises falls due for review under any Act or in accordance with the terms of any lease or agreement, that review may take place but where its effect would be to increase the rent payable that increase shall not take effect until after the 31st day of December 1976.

4. Artificially low rents—Notwithstanding anything in regulation 3 of these regulations, the rent payable in respect of any dwellinghouse may be increased to a rent not exceeding the equitable rent determined under the Rent Appeal Act 1973 in respect of that dwellinghouse, if a Rent Appeal Board is satisfied—

- (a) That the rent paid by the tenant in occupation of that dwellinghouse on 17 August 1976 was artificially low because of the personal circumstances of that tenant; and
- (b) That tenant has voluntarily vacated the dwellinghouse.

5. Rent in excess of frozen rent irrecoverable—Except as provided in regulation 4 of these regulations, no rent in excess of the rent fixed in respect of any land, building, or other premises by regulation 3 of these regulations shall be recoverable or lawfully payable.

6. Offence—Every person commits an offence against these regulations who stipulates for or demands or accepts, for himself or for any other person, on account of any land, building, or other premises any sum that is irrecoverable by virtue of regulation 5 of these regulations.

7. Recovery by tenant of excess rent—Where any sum that by virtue of regulation 5 of these regulations is irrecoverable has at any time been paid on account of the rent of any land, building, or other premises, the sum so paid may at any time within 12 months after the date of payment be recovered by or on behalf of the person by whom it was paid as a debt due to him by the person who received the payment; and, without prejudice to any other mode of recovery, where the person who made the payment is the tenant of the person who received it, the sum so paid may be deducted by the tenant from any rent payable by him to the landlord within that period of 12 months.

8. Offence to determine tenancy—(1) Every landlord commits an offence against these regulations who, by reason of the restrictions imposed by these regulations, gives to any tenant a notice determining his tenancy or commences proceedings for the recovery of any land, building, or other premises or for the ejection of the tenant therefrom or evicts him from the land, building, or other premises.

(2) In any prosecution for an offence against subclause (1) of this regulation in which it is proved that the landlord, while these regulations were in force, gave to the tenant a notice determining his tenancy or commenced proceedings for the recovery of possession of the land, building, or other premises or for the ejection of the tenant therefrom or evicted him from the land, building, or other premises, it shall be for the landlord to prove that he has not acted contrary to subclause (1) of this regulation.

(3) Any notice given contrary to subclause (1) of this regulation shall be of no effect and every eviction that takes place contrary to that subsection shall be unlawful.

(4) In any proceedings for the recovery of possession of any land, building, or other premises or for the ejectment of the tenant therefrom in which it is proved that the landlord, while these regulations were in force, gave to the tenant a notice determining his tenancy or commenced proceedings for the recovery of possession of the land, building, or other premises or for the ejectment of the tenant therefrom, it shall be for the landlord to prove that he has not acted contrary to subclause (1) of this regulation.

8. Prohibited transactions—No person shall—

- (a) Enter into any transaction, or make any contract or arrangement, purporting to do, whether presently or at some future time or upon the happening of any event or contingency, anything that contravenes or will contravene the provisions of these regulations; or
- (b) Enter into any transaction or make any contract or arrangement, whether orally or in writing, or do any thing, for the purpose of or having the effect of, in any way, whether directly or indirectly, defeating, evading, avoiding, or preventing the operation of these regulations in any respect.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations freeze rents during the period beginning with the 18th day of August 1976 and ending with the 31st day of December 1976.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 August 1976.

These regulations are administered in the Department of Labour.