

1973/152

THE RENT REVIEW REGULATIONS 1972, AMENDMENT NO. 1

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 11th day of June 1973

Present:

THE HON. W. WATT PRESIDING 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 and commencement—(1) These regulations may be cited as the Rent Review Regulations 1972, Amendment No. 1, and shall be read together with and deemed part of the Rent Review Regulations 1972* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. Rent increases to be justified—(1) Regulation 4 of the principal regulations is hereby amended by omitting from subclause (2) the words “1st day of March 1973”, and substituting the words “30th day of June 1973”.

(2) The said regulation 4 is hereby further amended by adding, to subclause (3), the following proviso:

“Provided that where an application to which subclause (2) of this regulation applies is made after the commencement of the Rent Review Regulations 1972, Amendment No. 1, the date on which the determination takes effect shall not be earlier than the date on which those regulations came into force.”

3. Applications to Rent Review Authority—(1) Regulation 6 of the principal regulations is hereby amended by adding to subclause (3) the following sentence “The Rent Review Authority shall not be obliged to hold a hearing”.

(2) The said regulation 6 is hereby further amended by revoking subclauses (4) to (6), and substituting the following subclauses:

“(4) The determination shall be in writing signed by the Rent Review Authority and shall specify, in accordance with subclause (3) of regulation 4 of these regulations, the date on which it takes effect.

“(5) The determination shall specify also a date (in this regulation referred to as ‘the date of implementation’), being not less than 14 days after the date on which the determination is signed by the Rent Review Authority, on which the determination will come into force unless before the date of implementation an application to the Court for an order varying or setting aside the determination is made by or on behalf of the landlord or the tenant.

“(6) A copy of the determination shall be served on the landlord and the tenant forthwith after it is made.

“(7) If an application to the Court for an order varying or setting aside the determination is not made by or on behalf of the landlord or the tenant before the date of implementation or if any such application made before the date of implementation is withdrawn or dismissed, the determination shall come into force on the date of implementation and take effect according to its tenor on the date specified therein in accordance with subclause (3) of regulation 4 of these regulations.”

4. Limits on rent in advance and bonds—The principal regulations are hereby amended by revoking regulation 10, and substituting the following regulation:

“10. Every person, being the landlord of any dwellinghouse or acting on behalf of the landlord, commits an offence against these regulations who,—

“(a) At or before the beginning of any tenancy of a dwellinghouse stipulates for or demands in respect of the tenancy the payment from any tenant or prospective tenant on account of rent in advance of a sum which, together with any payment by way of security for the performance by the tenant of his obligations as the tenant, exceeds the equivalent of more than 1 month’s rent; or

“(b) Stipulates for or demands or accepts from the tenant or prospective tenant of the dwellinghouse any sum as security for the performance by the tenant of his obligations as the tenant unless—

“(i) The sum does not exceed the equivalent of 1 month’s rent; and

“(ii) The circumstances in which that sum may be applied by or on behalf of the landlord are made known to the tenant or prospective tenant in writing; and

“(iii) The tenant is entitled, except in those circumstances, to have that sum refunded to him when he vacates the premises.”

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 amend the Rent Review Regulations 1972.

Regulation 2: Under the principal regulations application may be made to a Rent Review Authority in any case where the rent of a dwellinghouse has been increased since 31 March 1972. However in those cases where the rent was

increased since 31 March 1972 but before 21 December 1972 the application was required to be made before 1 March 1973. The period within which such applications may be made is extended by these regulations. Applicants will now have until 30 June 1973 to file such applications.

Regulation 3 (1) makes it clear that Rent Review Authorities are not obliged to hold hearings.

Regulation 3 (2) clarifies an existing provision. The determination of a Rent Review Authority is required to show two dates. One of these dates is the date on which it will take effect unless the landlord or the tenant makes application to the Magistrate's Court for an order varying or setting aside the determination. This date may not be earlier than the date of the commencement of the principal regulations. The second date, which may not be less than 14 days after the date on which the determination is signed by the Rent Review Authority, sets the deadline for applications to the Court by the landlord or the tenant to vary or set aside the determination.

Clause 4 substitutes a new regulation relating to limits on rent in advance and bonds. The new regulation follows clause 19 of the Rent Appeal Bill. It limits the amount that a landlord may stipulate for at the beginning of a tenancy on account of rent in advance to a sum which, together with any payment by way of "bond", does not exceed the equivalent of 1 month's rent.

The amount stipulated for or accepted by way of bond must not exceed at any time the equivalent of 1 month's rent. The circumstances in which this amount may be applied by or on behalf of the landlord must be made known to the tenant in writing and the tenant must be entitled, except in those circumstances, to have the amount refunded to him when he vacates the premises.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 June 1973.

These regulations are administered in the Department of Labour.