

# Fair Rents Amendment Act 1939

Public Act 1939 No 43  
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### **An Act to amend the Fair Rents Act, 1936.**

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

#### **1 Short Title.**

**1936, No. 14**

This Act may be cited as the Fair Rents Amendment Act, 1939, and shall be read together with and deemed part of the Fair Rents Act, 1936 (hereinafter referred to as the principal Act).

**2 Duration of principal Act extended.**

- (1) The principal Act is hereby revived as from the time of its expiry, and shall continue in force until the thirtieth day of September, nineteen hundred and forty, and shall then be deemed to be repealed.

*1938, No. 20*

- (2) Section eighteen of the Statutes Amendment Act, 1938, is hereby repealed.

**3 Principal Act extended to apply to buildings constructed for letting as more than two separate flats or apartments.**

**1937, No. 2**

**Repeal.**

- (1) Section two of the principal Act is hereby amended by repealing paragraph (c) thereof, as set out in subsection one of section three of the Fair Rents Amendment Act, 1937.
- (2) Section three of the Fair Rents Amendment Act, 1937, is hereby repealed.

**4 Principal Act extended to apply to all flats or apartments not originally constructed for letting separately.**

Notwithstanding anything to the contrary in section three of the principal Act, that Act shall apply with respect to every dwellinghouse that forms part of a building not originally designed and constructed for the purpose of being let as two or more separate flats or apartments, whether it is let for the first time as a dwellinghouse before or after the passing of this Act:

Provided that the principal Act shall not apply with respect to any such dwellinghouse—

- (a) That was let as a dwellinghouse at any time between the twenty-seventh day of November, nineteen hundred and thirty-five, and the first day of January, nineteen hundred and thirty-nine, at a rent exceeding one hundred and fifty-six pounds a year (whether or not the rent was computed on an annual basis); or
- (b) That upon being let for the first time as a dwellinghouse at any time after the first day of January, nineteen hundred and thirty-nine (whether before or after the passing of this Act) has been so let at a rent exceeding one hundred and fifty-six pounds a year (whether or not the rent is computed on an annual basis).

**5 Principal Act to apply to flats and apartments where parts of premises are shared.**

Where any premises that form part of any house or building are let to a tenant for residential purposes and the tenant has a right to the use, in common with any other person, of any other part of the house or building, the premises let to the tenant shall for the purposes of the principal Act be deemed to be let to him as a separate dwelling.

**6 Modification of principal Act in relation to flats or apartments to which it is extended by this Act.**

- (1) For the purposes of the principal Act the expression “basic rent”, in relation to any premises to which the principal Act is made applicable by any of the last three preceding sections, means—
- (a) Where the premises were let as a dwellinghouse on the first day of June, nineteen hundred and thirty-nine, the rent payable as on that date:
  - (b) Where the premises were not let as a dwellinghouse on that date, the rent that was last payable before that date, or, in the case of any premises first let as a dwellinghouse after that date, the rent first payable in respect thereof:

Provided that for the purposes of subsection two of section seven of the principal Act in relation to any application to fix the fair rent of any such premises made not later than three months after the passing of this Act the basic rent of the premises shall be determined in accordance with the provisions of section five of the principal Act, as if the words “and before the passing of this Act” were omitted from paragraph (b) of subsection one of the said section five.

- (2) With respect to any such premises the provisions of subsection two of section five of the principal Act shall apply with respect only to increases in the basic rent made after the first day of August, nineteen hundred and thirty-nine, whether before or after the passing of this Act.
- (3) In the application of subsection two of section seven of the principal Act to any such premises 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.

**7 Extending grounds for recovery of possession.**

- (1) Section thirteen of the principal Act is hereby amended by omitting from paragraph (f) of subsection one the words “to be completed by transfer within one month from the date thereof”, and also by adding to subsection one the following paragraphs:—
- “(h) That the premises are reasonably required by the landlord for demolition or reconstruction:

“(i) That the estate or interest of the landlord in the premises will have expired or been determined not later than three months after the date of the application for the order.”

*1937, No. 17*

- (2) Section sixty-three of the Finance Act, 1937, is hereby amended by inserting in subsection one, after the words “paragraph (f)”, the words “or in paragraph (h)”; and also by inserting in the same subsection, after the words “paragraph (e)”, the words “or in paragraph (i)”.

**8 Power to make regulations regulating charges for residential accommodation.**

- (1) 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 with attendance or services.
- (2) Regulations made for the purposes of this section may be of general application, or may relate to any specified part or parts of New Zealand, or to any specified class or classes of residential accommodation.