

RENT RESTRICTION (DWELLING-HOUSES) ACT

CHAPTER 59:55

Act
45 of 1981
Amended by
36 of 1991

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 59:55

RENT RESTRICTION (DWELLING-HOUSES) ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 59:55

RENT RESTRICTION (DWELLING-HOUSES) ACT

45 of 1981. **An Act to restrict the rents of certain dwelling-houses.**

Commencement. [24TH DECEMBER 1981]

Preamble. WHEREAS it is enacted *inter alia* by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Short title. **1.** (1) This Act may be cited as the Rent Restriction (Dwelling-Houses) Act.

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation.
[36 of 1991].

2. In this Act—
“agricultural land” does not include the garden of a dwelling-house or land within the curtilage of a dwelling-house;
“authorised rent” means the base rent together with any increase thereon as authorised by the Minister under section 6 or by the Board under section 7 or 7A and includes a variation of base rent by a Board;
“base rent” means the rent determined in accordance with section 4;

“Board” means a Rent Assessment Board constituted under section 5 of the Rent Restriction Act for the area in which a dwelling-house is situate; Ch. 59:50.

“corporation” includes an unincorporated body of persons;

“dwelling-house” means a building, part of a building separately let or a room separately let which is used mainly as a dwelling or place of residence and includes land occupied with the premises under the tenancy but does not include a building, part of a building or room when let with agricultural land;

“landlord” includes any person deriving title under the original landlord and any person who is entitled to the rents and profits of the dwelling-house;

“let” includes sub-let;

“Minister” means the Minister to whom responsibility for Finance is assigned;

“tenant” includes—

- (a) a sub-tenant and any person deriving title from the original tenant or sub-tenant;
- (b) the surviving spouse of a tenant who was residing with the tenant in the dwelling-house up to the date of the tenant’s death and where the tenant leaves no surviving spouse, such member of the tenant’s household who was residing in the dwelling-house for a period of not less than six months immediately before the death of the tenant as may be decided in default of agreement by a Board.

3. This Act applies to all dwelling-houses which were let for a rent whether payable monthly or not, not exceeding one thousand dollars per month in the case of an unfurnished letting or one thousand five hundred dollars per month in the case of a furnished letting as at 31st December, 1978 or, where on that date the house was not the subject of a letting, at the commencement of the first letting after that date. Application.

Base rent.

4. Base rent is the rent, whether payable monthly or not, not exceeding one thousand dollars per month in the case of an unfurnished letting or one thousand five hundred dollars per month in the case of a furnished letting, at which a dwelling-house was let—

(a) either as at 31st December, 1978; or

(b) where the house was not the subject of a letting on 31st December, 1978, at the commencement of the first letting after that date.

Rent restricted.

5. Subject to sections 6 and 7 and notwithstanding any agreement between landlord and tenant, a dwelling-house may not be let at a rent in excess of the base rent or the authorised rent, as the case may be.

Minister may
authorise
increase in rent.

6. The Minister may by Order specify the rate at which base rent or authorised rent may be increased for any period after 31st December, 1982.

Landlord may
apply to Board
to increase rent.

7. (1) Where after 31st December, 1978 or the commencement of the first letting, as the case may be, a landlord effects repairs to any premises to which this Act applies, he may make application in writing to a Board for permission to increase the rent chargeable for those premises.

(2) The landlord shall in his application specify the current rent; include a description of the premises prior to the repairs and detail the nature and cost of the repairs.

(3) A Board may, having regard to the nature and cost of the repairs, current interest rates, property taxes and the general state of the housing market, authorise an increase in the rent or refuse the application of the landlord.

(4) In this section “repairs” includes in the case of a furnished letting, repairs to or replacement of furniture or appliances.

(5) Where during the currency of a letting and by agreement between the landlord and the tenant, the letting of a dwelling-house is changed from a furnished letting to an unfurnished letting or vice versa, either the landlord or the tenant may apply to the Board to have the rent varied and the rent as varied is the authorised rent.

7A. (1) Notwithstanding section 7, a landlord or a tenant who is registered in accordance with this Act may apply to the Board for a review of the rent of premises to which the application refers on the grounds that such rent is unreasonably low or unreasonably high as the case may be.

Board may review and vary rent. [36 of 1991]

(2) On the hearing of any application under this section, the Board may vary such rent as it thinks equitable having regard to the type, standard and location of the premises to which this Act applies, the prevailing social and economic conditions and any other relevant circumstances.

8. A landlord who receives rent in excess of the base rent or authorised rent, as the case may be, in respect of any period commencing on or after the commencement of this Act, that is to say 24th December, 1981 is liable on summary conviction —

Penalty for receiving excess rent.

- (a) where that landlord is an individual, to a fine of five thousand dollars or imprisonment for twelve months; or
- (b) where that landlord is a corporation, to a fine of ten thousand dollars.

9. Where in respect of any period commencing on or after the commencement of this Act, a landlord receives rent in excess of the base rent or the authorised rent, as the case may be, the tenant may recover the excess from the landlord as a civil debt, save that where the tenancy continues the tenant may deduct the amount due to him by way of excess rent paid, from the amount due to the landlord as rent in accordance with this Act.

Excess rent recoverable by tenants.

10. (1) Rents paid in respect of periods prior to the commencement of this Act and which are in excess of or below the rents payable under this Act are not recoverable.

Excess rents paid before this Act not recoverable.

(2) Rents due and owing in respect of periods prior to the commencement of this Act are recoverable by the landlord even though such rents may be in excess of the rents payable under this Act.

Registration by
landlord or
tenant.

11. (1) Subject to subsection (2) every tenant and every landlord of a dwelling-house, whether or not the dwelling-house is one to which this Act applies, shall register with the Board within three months of the commencement of this Act or of the tenancy, whichever is the later.

(2) Where at the commencement of this Act, a dwelling-house to which this Act applies is the subject of a letting, the landlord or the tenant or both shall register with the Board not later than 28th February, 1982.

Schedule.

(3) Registration shall be in the form set out in the Schedule.

Failure to
register.
Ch. 59:50.

12. (1) Where a tenant fails to register he cannot avail himself of the protection of section 9 or of the Rent Restriction Act (hereinafter referred to as “the Act”) in respect of his tenancy.

(2) Where a landlord fails to register, the Board is entitled to accept as true and correct for all the purposes of this Act the information contained in the registration form signed by the tenant in respect of the dwelling-house and the tenancy, including such information as may determine whether or not the dwelling-house is one to which this Act applies.

Copy of registra-
tion form to be
filed with the
Board of
Inland Revenue.

13. (1) On registration under section 11, a landlord shall file with the Board of Inland Revenue a copy of the completed registration form.

Penalty.

(2) Where a landlord fails to comply with the requirements of subsection (1), he shall forfeit his right to the income tax exemption granted under section 42(2) of the Income Tax Act.

Ch. 75:01.

Register to be
open to public.

14. (1) Every Board shall keep a register of landlords and another of tenants registered with that Board and the registers shall be open to the public.

(2) A register may be examined on payment of a fee of one dollar.

(3) The Minister may by Order vary the examination fee.

15. (1) Sections 13, 14 and 15 of the Act apply to the tenancy of all dwelling-houses to which this Act applies and section 18 of the Act applies in respect of prosecutions under this Act as if sections 13, 14 and 15 of the Act are provisions of this Act.

Sections of
Ch. 59:50 to
apply.

(2) A person who requires any payment or the giving of any consideration in contravention of section 13 of the Act and any person making any such payment or giving any such consideration is liable on summary conviction to a fine of three thousand dollars or to imprisonment for six months or where that person is a corporation to a fine of eight thousand dollars.

16. A landlord who lets a dwelling-house to another and who fails to issue receipts for the rent received, within seven days of the payment of such rent, is liable on summary conviction to a fine of one thousand dollars.

Failure to
give rent
receipts, etc.

17. Proceedings of a Board in determining an application either by a landlord or a tenant shall be as set out in section 6 of the Act, save that the decision of the Board shall be final.

Proceedings of
Board.

18. Magistrates determining matters arising out of tenancies of dwelling-houses shall have and exercise the same jurisdiction they have and exercise under the Summary Ejectment Ordinance.

Jurisdiction of
Magistrates.
Ch. 27. No. 17.
(1950 Ed.).

