



ANNO DECIMO TERTIO

**GEORGII VI REGIS.**

A.D. 1949.

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**No. 63 of 1949.**

**An Act to amend the Landlord and Tenant (Control of Rents) Act, 1942-1949.**

*[Assented to 8th December, 1949.]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

**1.** (1) This Act may be cited as the " Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1949 ".

(2) The Landlord and Tenant (Control of Rents) Act, 1942-1949, as amended by this Act, may be cited as the " Landlord and Tenant (Control of Rents) Act, 1942-1949 ".

(3) The Landlord and Tenant (Control of Rents) Act, 1942-1949, is hereinafter referred to as " the principal Act ".

Incorporation.

**2.** This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 26ao of principal Act—  
Letting of unoccupied house to protected person.

**3.** Section 26ao of the principal Act is amended by adding at the end thereof the following subsections :—

(5) Where the owner of a dwellinghouse or his agent has advertised the proposed sale by auction of the dwellinghouse no person shall make an application under this section in respect of that dwellinghouse until the expiration of three months after the day on which the advertisement is first published ; and an application made in contravention of this subsection shall not be heard or determined by the court.

(6) In this section and the subsequent sections of this Part, the term "dwellinghouse" includes any building which has been constructed or adapted for use as a place of habitation and whether or not the building is so used at the time an application is made under this section in respect thereof.

4. Section 26ap of the principal Act is amended by inserting therein after paragraph (c) the following paragraph :—

Amendment of s. 26ap of principal Act— Dwellinghouse is to be deemed to be unoccupied in certain cases.

(c1) a dwellinghouse shall not be deemed to be occupied, by reason only of the fact that it is used as a warehouse, store, office, shop, factory or other business premises, unless the whole or a substantial part of it was so used at the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1949, and was so used continuously from that time until the day on which the application was made ;

5. Section 26aq of the principal Act is amended by striking out in paragraph (a) of subsection (1) the words "(not being a person who has entered into occupation of the dwellinghouse in contravention of section 26ao)".

Amendment of s. 26aq of principal Act— Hearing of application.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.