

PARLIAMENT OF CEYLON

1st Session 1960-61



Rent Restriction (Amendment) Act, No. 10 of 1961

Date of Assent : March 6, 1961

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1

Price : 35 cents

Postage : 10 cents

*Rent Restriction (Amendment) Act,
No. 10 of 1961*

L. D.—O. 41/58.

AN ACT TO AMEND THE RENT RESTRICTION
ACT, No. 29 OF 1948.

[Date of Assent: March 6, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Rent Restriction (Amendment) Act, No. 10 of 1961, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

Short title
and date of
operation.

2. Section 6 of the Rent Restriction Act, No. 29 of 1948, hereinafter referred to as the "principal Act", is hereby amended, in sub-section (1) of that section, as follows:—

Amendment of
section 6 of
Act No. 29 of
1948.

(1) in paragraph (a) of that sub-section—

(a) by the substitution, for the full stop after the word "rent", of a colon; and

(b) by the insertion, immediately after that paragraph, of the following proviso:—

" Provided that where the Mayor or the Chairman of the local authority within the administrative limits of which any premises are situated has by notice in writing directed the landlord of such premises to carry out such repairs, or to make such redecoration, as are or is specified in the notice, such landlord shall not be entitled to charge the extra ten per centum of such rent until he has obtained a certificate in writing from such Mayor or Chairman that he has carried out such repairs or made such redecoration to such premises. ";

- (2) in paragraph (b) of that sub-section, by the substitution, for the word "Where", of the following:—

"Subject to the provisions of paragraph (ba) of this sub-section, where";
and

- (3) by the insertion, immediately after paragraph (b) of that sub-section, of the following new paragraphs:—

"(ba) The provisions of paragraph (b) of this sub-section shall not apply to any premises on or after such date as shall be specified by the Minister by Order published in the *Gazette*.

(bb) The provisions of paragraph (ba) of this sub-section shall not affect any increase of the standard rent of any premises made before the date referred to in that paragraph by virtue of the provisions of paragraph (b) of this sub-section.

(bc) Where, with the prior consent of the tenant or with the prior approval of the Board granted on the Board being satisfied that the consent of the tenant was unreasonably withheld, the landlord of any premises incurs, on or after the date specified by the Minister by Order made under paragraph (ba) of this sub-section, expenditure on the improvement or structural alteration of the premises (not including expenditure on decoration or repairs), the standard rent per annum may be increased by an amount calculated at a rate not exceeding six per centum of the amount so expended:

Provided, however, that the Board may, on the application of the tenant of such premises, direct that the standard rent shall not be increased as hereinbefore provided, or reduce the amount by which the standard rent may be so increased, on the ground that such expenditure

was excessive having regard to the nature and extent of the improvements or alterations effected or that the rental value of such premises has not been enhanced by such improvements or alterations.”

3. Section 7 of the principal Act is hereby amended as follows:—

Amendment of
section 7 of
the principal
Act.

- (1) by the renumbering of that section as sub-section (1) of section 7; and
- (2) by the addition, at the end of that section, of the following new sub-section:—

“(2) Where any premises to which this Act applies are let furnished in separate parts which are not separately assessed for the purpose of rates, the Board may, on the application of the tenant of any such part, reduce the rent of that part on the ground that it is excessive having regard to the accommodation, amenities, and furniture provided in that part by the landlord.”

4. Section 10 of the principal Act is hereby repealed and the following section is substituted therefor:—

Replacement of
section 10 of
the principal
Act.

“ Use of
residential
premises
for other
purposes.

10. (1) The tenant of any residential premises to which this Act applies shall not, except with the prior written consent of the landlord and, where those premises are situated within the administrative limits of any local authority, the prior written consent of the Mayor or Chairman of such local authority, use mainly, or permit any other person to use mainly, those premises for any purpose other than that of residence.

(2) Such consent of the Mayor or Chairman of a local authority as is referred to in sub-section (1) shall not be granted in contravention of any by-law made by such local authority under section 28 of the Housing and Town Improvement Ordinance.”

Replacement
of section
12 of the
principal
Act.

5. Section 12 of the principal Act is hereby repealed and the following section is substituted therefor:—

Rent may
be paid to
the Board
or autho-
rised
person
instead of
the landlord.

12. (1) The tenant of any premises to which this Act applies may pay the rent of those premises to the Board or the authorised person instead of the landlord.

(2) Where any payment of rent of any premises is made on any day in accordance with the provisions of sub-section (1), it shall be deemed to be a payment received on that day by the landlord of those premises from the tenant thereof.

(3) Where the rent of any premises is paid to the Board or the authorised person, the Board or the authorised person, as the case may be, shall issue to the tenant of those premises a receipt in acknowledgment of such payment, and shall, transmit the amount of such payment to the landlord of those premises. It shall be the duty of such landlord to issue to the Board or the authorised person, according as such amount is transmitted to him by the Board or the authorised person, a receipt in acknowledgment of the payment to him of such amount.

(4) In this section, "authorised person", with reference to any premises, means the Mayor or Chairman of the local authority within whose administrative limits those premises are situated or the person authorised in writing by such Mayor or Chairman to receive rents paid under this section.'

6. Section 13 of the principal Act is hereby amended as follows:—

Amendment of
section 13 of
the principal
Act.

(1) by the insertion, immediately after sub-section (1) of that section, of the following new sub-sections:—

"(1A) The landlord of any premises to which this Act applies shall not be entitled to institute any action or proceedings for the ejection of the tenant of such

premises on the ground that the rent of such premises has been in arrear for one month after it has become due,—

- (a) if the landlord has not given the tenant three months' notice of the termination of the tenancy, or
- (b) if the tenant has, before such date of termination of the tenancy as is specified in the landlord's notice of such termination, tendered to the landlord all arrears of rent.

(1B) Where any action or proceedings for the ejectment of the tenant of any premises to which this Act applies is or are instituted on the ground that rent has been in arrear for one month after it has become due, the court may, on being satisfied that the rent has been in arrear on account of the tenant's illness or unemployment or other sufficient cause, make order that a writ for ejectment of the tenant from those premises shall not issue if the tenant pays to the court the arrears of rent either in a lump sum on such date, or in instalments on such dates, as may be specified in the Order; and if the tenant pays to the court the arrears of rent on such date or dates, his tenancy of those premises shall, notwithstanding its termination by the landlord of those premises, be deemed not to have been terminated.”;

- (2) in sub-section (3) of that section, by the substitution, for the words “one year”, of the words “three years”;
- (3) in sub-section (5) of that section, by the substitution, for the words “one year”, of the words “three years”; and
- (4) by the insertion, immediately after sub-section (8) of that section, of the following new sub-section:—

‘ (9) Where there is more than one landlord of any premises to which this Act applies, the expression “the landlord” shall, with reference to such premises, be construed, for the purposes of this section, to mean all or any one or more of such landlords. ’

Insertion of
new sections
16A and 16B
in the
principal
Act.

7. The following new sections are hereby inserted immediately after section 16, and shall have effect as sections 16A and 16B, of the principal Act:—

" Power of
Board to
determine
authorised
rent.

16A. The Board may, upon an application made in that behalf by the landlord or the tenant of the premises, by order determine the amount of the authorised rent of the premises.

Certificate
of tenancy.

16B. (1) The landlord of any premises to which this Act applies shall, upon being requested to do so by the tenant of such premises, give to the tenant a certificate of tenancy relating to such premises in the prescribed form. A certificate of tenancy given under this section by a landlord to a tenant shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

(2) Where the landlord of any premises to which this Act applies refuses to give the tenant a certificate of tenancy, the Board shall, upon application made to it by the tenant, give to the tenant a certificate of tenancy relating to such premises in the prescribed form, and a certificate of tenancy given by the Board to the tenant shall be deemed to be a certificate of tenancy given by the landlord to the tenant. "

Amendment of
section 18 of
the principal
Act.

8. Section 18 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the words "residential premises", of the word "premises", and

(2) in sub-section (2) of that section—

(a) by the substitution, for the words "before the tenth day of the month succeeding that", of the words "before the expiry of two months after the last day of the month", and

- (b) by the substitution, for the words " of such succeeding month," of the words " of the month succeeding the month in which the death occurred,".

9. Section 20 of the principal Act is hereby amended as follows:—

Amendment of
section 20 of
the principal
Act.

- (1) in sub-section (2) of that section, by the substitution, for all the words from " members," to " shall constitute ", of the words " members shall constitute ", and

- (2) in sub-section (11) of that section, by the substitution, for the words " a proctor.", of the words " a proctor, or other person authorised in writing by that party. ".

10. Section 21 of the principal Act is hereby amended as follows:—

Amendment of
section 21 of
the principal
Act.

- (1) in sub-section (1) of that section—

- (a) by the substitution, for the word " three ", of the word " five ", and
(b) by the substitution, for the word " two ", of the word " three ";

- (2) by the substitution, for sub-section (5) of that section, of the following sub-section:—

" (5) (a) Every appeal to the Board of Review shall be heard at a meeting of three members of that Board selected by the Chairman of that Board. The decision made on such appeal at such meeting shall be deemed to be the decision of the Board of Review on such appeal.

(b) Where the decision of the members of the Board of Review who hear any appeal is not unanimous, the decision of the majority of them shall be deemed to be the decision of that Board.

(c) The Chairman of the Board of Review, if he is one of the members of that Board hearing any appeal to that Board, or, if he is not one of them, one of those members nominated by such Chairman shall preside at a meeting of those members.

(d) The powers conferred on the Board of Review by the succeeding provisions of this section may be exercised by the members of that Board who hear any appeal to that Board. ”; and

(3) in sub-section (11) of that section, by the substitution, for the words “ members of the Board ”, of the words “ members of the Board who heard the appeal ”.

Amendment of
section 27 of
the principal
Act.

11. Section 27 of the principal Act is hereby amended by the insertion, immediately after the definition of “ landlord ”, of the following new definitions:—

“ “ local authority ” means any Municipal Council, Urban Council, Town Council or Village Committee;

“ premises ” mean any building or part of a building together with the land appertaining thereto; ’.

Amendment of
the Schedule
to the
principal Act.

12. The Schedule to the principal Act, as amended by Act No. 6 of 1953, is hereby amended as follows:—

(a) by the repeal of regulation 1 and the substitution therefor of the following regulation:—

“ 1. Any premises (other than residential premises) of which the landlord is a local authority shall be excepted premises for the purposes of the Act.”; and

(b) in regulation 3, by the substitution, for the words “ Any premises situated ”, of the words “ Any premises (other than premises referred to in regulation 1) situated ”.

Actions or
proceedings for
the ejectment
of tenants to be
instituted only
on certain
grounds for a
period of two
years com-
mencing from
July 20, 1960.

13. (1) Notwithstanding anything in the principal Act, the landlord of any premises to which this Act applies shall be entitled to institute any action or proceedings for the ejectment of the tenant of such premises only on any one or more of the following grounds:—

(a) that the rent of such premises has been in arrear for three months;

(b) that such premises have been used by such tenant or by any person residing or lodging with him or being his sub-tenant for an immoral or illegal purpose;

(c) that such tenant or any person residing or lodging with him or being his sub-tenant has caused wanton destruction or damage to such premises.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the twentieth day of July, 1960, and shall continue in force for a period of two years commencing from that date.

(3) Where any action or proceedings instituted in any court on or after the twentieth day of July, 1960, for the ejectment of a tenant from any premises to which the principal Act applies on any ground other than a ground specified in sub-section (1) of this section is or are pending on the day immediately preceding the date of commencement of this Act, such action or proceedings shall be deemed at all times to have been and to be null and void.

(4) No suit or prosecution shall lie against the landlord of any premises to which the principal Act applies by reason only of any act done, or any action or proceedings instituted, by such landlord to or against the tenant of such premises for the purpose of ejecting such tenant from such premises on any ground other than a ground specified in sub-section (1) of this section during the period commencing on the twentieth day of July, 1960, and ending on the day immediately prior to the date of commencement of this Act.