

No. 36 of 1972

AN ORDINANCE

To amend the *Landlord and Tenant Ordinance 1949-1966*:

THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this second day of November, 1972.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

LANDLORD AND TENANT ORDINANCE 1972

1.—(1.) This Ordinance may be cited as the *Landlord and Tenant Ordinance 1972*.*

Short title and citation.

(2.) The *Landlord and Tenant Ordinance 1949-1966*† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Landlord and Tenant Ordinance 1949-1972*.

2. Section 5 of the Principal Ordinance is amended by inserting, after the words "This Ordinance", the words "(other than section 40)".

Crown not bound.

3. Section 40 of the Principal Ordinance is amended by omitting the words "of a dwelling-house".

Abolition of distress for rent.

4. Section 41 of the Principal Ordinance is amended by omitting the figures and word " , 39 and 40 " and inserting in their stead the word and figures " and 39 ".

Premises leased for holiday purposes only.

* Notified in the *Commonwealth Gazette* on 9 November 1972.
† Ordinance No. 6, 1949, as amended by No. 10, 1952; No. 3, 1957; and No. 19, 1966.

Certain provisions of State laws to cease to be in force.

5. Part V. of the Landlord and Tenant Act of 1899 of the State of New South Wales, to the extent to which it is in force in the Territory, shall cease to be in force in the Territory.

Certain law to cease to be in force.

6. Section 18 of the Imperial Act 11 George II c.19, entitled an Act for the more effectual securing the payment of rents and preventing frauds by tenants, to the extent to which it is in force in the Territory, shall cease to be in force in the Territory.

Saving.

7. This Ordinance does not prejudice or affect—

- (a) the rights of a person who, before the date of commencement of this Ordinance, has levied or made distress for rent to proceed with the distress;
- (b) any proceedings in relation to distress pending at that date; or
- (c) the right of a person to whom rent is due to recover the rent as a debt due from the person liable to pay the rent in a court of competent jurisdiction.