

# SAORSTÁT EIREANN.

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BILLE UM MEADU CIOSA AGUS UIS MHORGAISTE  
(COSCANNA), 1926.

INCREASE OF RENT AND MORTGAGE INTEREST  
(RESTRICTIONS) BILL, 1926.

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*Mar do ritheadh ag dhá Thigh an Oireachtais.  
As passed by both Houses of the Oireachtas.*

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## BILL

*entitled*

AN ACT TO CONTINUE AND AMEND THE INCREASE OF  
RENT AND MORTGAGE INTEREST (RESTRICTIONS)  
ACT, 1923.

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BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT  
EIREANN AS FOLLOWS:—

Definitions.

1.—In this Act—

the expression “the Principal Act” means the Increase of Rent  
and Mortgage Interest (Restrictions) Act, 1923 (No. 19 of 1923); 15  
the expression “the Act of 1920” means the Increase of Rent  
and Mortgage Interest (Restrictions) Act, 1920; and  
the expression “statutory notice” means, as the context may  
require, either the notice of intention to increase rent mentioned  
in sub-section (2) of section 3 of the Act of 1920 or the notice 20  
increasing rent mentioned in sub-section (1) of section 7 of the  
Principal Act.

Continuance of  
Principal Act.

2.—Notwithstanding anything to the contrary contained therein  
the Principal Act shall, subject to the amendments made therein  
by this Act, continue in force until the 24th day of June, 1929 25  
and shall then expire.

Meaning of  
“this Act” in  
Principal Act.

3.—The expression “this Act” wherever it occurs in the  
Principal Act (including any clause inserted in the Principal Act  
by virtue of this present Act) shall from and after the passing  
of this present Act be construed as meaning the Principal Act 30  
as amended by this present Act, and the Principal Act shall have  
effect accordingly.

Amendments in  
respect of  
application of  
the Principal  
Act.

4.—The Principal Act shall as from the 24th day of June, 1926,  
be construed and have effect as if sub-section (1) of section 3  
thereof were amended as follows, that is to say, by the deletion 35  
of the first paragraph of the said sub-section, which paragraph  
begins with the words “This Act shall” and ends with the  
words “a dwelling house to which this Act applies” and the  
insertion of the following paragraph in lieu of the paragraph so  
deleted, that is to say:— 40

“(1) Subject to the provisions of this section, this Act  
shall, in respect of any particular house or part of a house  
let as a separate dwelling—

(a) apply to such house or part of a house until and  
only until the 24th day of June, 1927, if either 45  
the amount of the standard rent or the rateable  
value of such house or part of a house does not  
exceed—

(i) in the county borough of Dublin and the  
urban districts in the Dublin Metropolitan 50  
Area £40, and

(ii) elsewhere £30, or

(b) apply to such house or part of a house until and  
only until the 24th day of June, 1928, if either 55  
the amount of the standard rent or the rateable  
value of such house or part of a house does not  
exceed—

(i) in the county borough of Dublin and the



urban districts in the Dublin Metropolitan Area £30, and

(ii) elsewhere £25, or

(c) apply to such house or part of a house until and only until the 24th day of June, 1929, if either the amount of the standard rent or the rateable value of such house or part of a house does not exceed—

(i) in the county borough of Dublin and the urban districts in the Dublin Metropolitan Area £25, and

(ii) elsewhere £20;

and every such house or part of a house shall until the date hereinbefore mentioned in respect thereof be deemed a dwelling house to which this Act applies."

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5.—(1) Where the landlord of a dwellinghouse to which the principal Act applies and of which both the standard rent and the rateable value exceed £20 is in possession of the whole of the dwelling-house at the passing of this Act, or comes into possession of the whole of the dwellinghouse at any time after the passing of this Act, then from and after the passing of this Act or from and after the date when the landlord subsequently comes into possession, as the case may be, the Principal Act shall save as hereinafter mentioned cease to apply to such dwelling-house.

Exclusion of dwelling-houses from application of the Principal Act in certain cases.

(2) Where part of a dwelling-house to which the Principal Act applies is lawfully sub-let, and the part so sub-let is also a dwelling-house to which the Principal Act applies, the Principal Act shall not by virtue of this section cease to apply to the part so sub-let by reason of the tenant being in or coming into possession of that part, and, if the landlord is in or comes into possession of any part not so sub-let, the Principal Act shall cease to apply to that part notwithstanding that a sub-tenant continues in or retains possession of any other part by virtue of the Principal Act.

(3) For the purposes of this section the word "possession" shall be construed as meaning actual possession and a landlord shall not be deemed to have come into possession by reason only of a change of tenancy made with his consent.

6.—The Principal Act shall as from the 24th day of June, 1926, be construed and have effect as if sub-section (1) of section 8 thereof were amended as follows, that is to say:—

Amendments of the Principal Act in respect of permitted increases.

(a) by the insertion in sub-paragraph (c) (iii) thereof after the words and figures "during the period of the two years 1923 and 1924" of the words and figures "or the period of the two years 1925 and 1926 or the period of the two years 1926 and 1927, or the period of the two years 1927 and 1928";

(b) by the deletion in sub-paragraph (d) thereof of the word "ten" and the insertion in lieu of the word so deleted of the word "twenty."

7.—(1) Subject to the provisions of this section where under an agreement for a new tenancy a rent is reserved which does not exceed the standard rent and the increases permitted, in case such agreement was made prior to the 24th day of June, 1923, by the Act of 1920, or, in case such agreement (whether made before or after the passing of this Act) was made on or after the 24th day of June, 1923, and prior to the 24th day of June, 1926, by the Principal Act, or, in case such agreement was made on or after the 24th day of June, 1926, by the Principal Act as amended by this Act the amount by which the rent so reserved shall exceed the standard rent shall, notwithstanding the fact that no valid and effective statutory notice has been served on the tenant in conformity with sub-section (2) of section 3 of the Act of 1920 or sub-section (1) of section 7 of the Principal Act as the case may be, be deemed to be and always to have been a valid and permitted increase of rent and not to be or ever to have been a sum irrecoverable from the tenant within the meaning of section 1 of the Act of 1920, or section 12 of the Principal Act,

Validation of certain agreements.



as the case may be, or recoverable by the tenant within the meaning of sub-section (1) of section 14 of the Act of 1920, or sub-section (1) of section 15 of the Principal Act, as the case may be.

(2) Nothing contained in the foregoing sub-section shall affect the rights of a tenant under paragraph (c) of sub-section (1) of section 7 of the Principal Act. 5

(3) This section shall not entitle a landlord to recover from a tenant any sums which have been recovered from the landlord before the 4th day of May, 1926, by means of deduction from rent or otherwise or any rent which has not been paid by reason of such deductions having been made therefrom. 10

(4) This section shall not affect the right to enforce any judgment of a court of competent jurisdiction given before the 4th day of May, 1926, or render recoverable any sum paid under such a judgment. 15

Effect of certain statutory notices.

8.—(1) Where a statutory notice has before the 24th day of June, 1923, been served on a tenant under the Act of 1920, or has before or after the passing of this Act been served on a tenant under the Principal Act and a notice to terminate the tenancy of such tenant (in this section referred to as a notice to quit) was necessary in order to make such statutory notice effective, but no valid notice to quit was in fact served on the tenant, such statutory notice shall have effect and be deemed always to have had effect as if it were and had been also a notice to quit expiring on the day immediately preceding the date from which the increase of rent is or was by virtue of such statutory notice to take effect, or, if the said tenancy could not have been legally determined by notice to quit expiring on such first-mentioned day, then on the earliest day thereafter on which if it had been a notice to quit it would have been effective to determine the said tenancy, and in the latter case a statutory notice served before the passing of this Act shall be deemed to have had effect as if such earliest date had been specified in the statutory notice as the date from which the increase of rent was to take effect. 20 25 30 35

(2) This section shall not entitle a landlord after the passing of this Act to recover from a tenant in respect of any period before the 4th day of May, 1926, the increase of rent made valid by this section nor any sums which have been recovered from the landlord before that date by means of deductions from rent or otherwise nor any rent which has not been paid before that date by reason of such deductions having been made therefrom. 40

(3) Neither sub-section (1) of section 14 of the Act of 1920, nor sub-section (1) of section 15 of the Principal Act shall apply to an increase of rent made valid by this section which was paid by or recovered from a tenant prior to the 4th day of May, 1926. 45

(4) This section shall not affect the right to enforce any judgment of a court of competent jurisdiction given before the 4th day of May, 1926, or render recoverable any sum paid under such a judgment. 50

Amendment of Principal Act in respect of liability for rates on unoccupied houses.

9.—Section 16 of the Principal Act shall not apply to a dwelling-house during any period not exceeding six months during which such dwelling-house is empty or unoccupied for the purpose of the execution of additions, alterations, or repairs thereto or by reason of the landlord thereof being *bona fide* unable to obtain a suitable tenant therefor at a rent equal to the standard rent and the increases permitted by the Principal Act as amended by this Act. 55 60

Rules as to procedure.

10.—(1) The Principal Act shall be construed and have effect as if section 19 thereof were amended as follows, that is to say:—

- (i) by the insertion in sub-section (1) of the said section immediately before the words "The Rules Committee" of the words "Notwithstanding anything contained in the Courts of Justice Act, 1924 (No. 10 of 1924)"; 65
- and
- (ii) by the deletion of paragraphs (a) and (b) of sub-section



(2) of the said section and the insertion of the following paragraphs in lieu of the two paragraphs so deleted, that is to say:—

- 5 (a) two Judges of the Circuit Court nominated from time to time by the Chief Justice of the Irish Free State, and  
(b) one Justice of the District Court nominated from time to time by the Minister for Justice.

10 (2) Every rule made and form prescribed under section 19 of the Principal Act which is in force at the passing of this Act shall continue in force so long as the Principal Act is in force but subject and without prejudice to any amendment or revocation of such rule or form effected under the said section 19 as  
15 amended by this Act.

11.—Nothing contained in the Principal Act shall from and after the 4th day of May, 1926, render recoverable by a tenant any moneys which in the case of premises used for business, trade, or professional purposes or for the public services to which the Principal Act, by virtue of section 17 thereof applies,  
20 were prior to the 22nd day of June, 1923, irrecoverable by the tenant, or in the case of other premises to which the Principal Act applies were prior to the 24th day of June, 1923, irrecoverable by the tenant.

Certain moneys not to be recoverable.

25 12.—The expiration of the Principal Act as amended by this Act in relation to any dwelling-house to which the Principal Act as so amended applies shall not render recoverable by a landlord any rent, interest, or other sum which was irrecoverable prior to such expiration or affect the right of a tenant to recover any  
30 sum which prior to such expiration was recoverable by the tenant under the Principal Act as so modified and amended.

Preservation of rights after expiry of Principal Act.

13.—The Principal Act shall as from the 24th day of June, 1926, be construed and have effect as if the forms contained in the Schedule thereto were amended as follows, that is to say:—

Amendment of forms in Schedule to Principal Act.

- 35 (a) by the deletion of the words and figures "Increase of Rent and Mortgage Interest (Restrictions) Act, 1923," where the same occur therein and the insertion in lieu of the said words and figures of the words and figures "Increase of Rent and Mortgage Interest (Restrictions) Acts, 1923 and 1926"; and  
40 (b) by the deletion of the words "ten per cent. of the standard rent" where the same occur therein and the insertion in lieu of the said words of the words "twenty per cent. of the standard rent"; and  
45 (c) by the insertion after the words and figures "the years 1923-1924" where the same occur therein of the words and figures "(or the years 1925-26, or the years 1926-27, or the years 1927-28)."

50 14.—(1) On the hearing of an action for the recovery of any rent claimed to be due by a landlord or any sum claimed to be recoverable by a tenant in respect of a dwelling-house to which the Principal Act as amended by this Act applies the Court may on the application of either party at such hearing determine any question arising under the Principal Act or this Act which can  
55 in the opinion of the Court be conveniently determined on such hearing.

Additional powers of Court.

(2) The court shall, if satisfied that any error or omission in a statutory notice, whether served before or after the passing of this Act, is due to a *bona fide* mistake on the part of the landlord,  
60 have power to amend such statutory notice, by correcting any errors and supplying any omissions therein which, if not corrected or supplied, would render such statutory notice invalid, on such terms and conditions as respects arrears of rent or otherwise as appear to the court to be just and reasonable and, if the  
65 court so directs, the statutory notice as so amended shall have effect and be deemed to have had effect as a valid statutory notice.

15.—This Act may be cited as the Increase of Rent and Mortgage Interest (Restrictions) Act, 1926, and shall be construed  
70 as one with the Principal Act, and that Act and this Act may be cited together as the Increase of Rent and Mortgage Interest (Restrictions) Acts, 1923 and 1926.

Short title, construction, and citation.



Saorstát Éireann.

Saorstát Éireánn.

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BILLE UM MEADU CÍOSA AGUS UIS  
MHORGAISTE (COSCANNA), 1926.

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INCREASE OF RENT AND MORTGAGE  
INTEREST (RESTRICTIONS) BILL,  
1926.

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BILLE

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BILL

*dá ngairmtear*

*entitled*

Acht chun an tAcht um Méadú Cíosa agus  
Uis Mhorgáiste (Coscanna), 1923, do  
bhuanú agus do leasú.

An Act to continue and amend the Increase of  
Rent and Mortgage Interest (Restrictions)  
Act, 1923.

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*Ritithe ag dhá Thigh an Oireachtais,  
16adh Meitheamh, 1926.*

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*Passed by both Houses of the Oireachtas,  
16th June, 1926.*

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