



**AN BILLE SRIANTA CIOSA (LEASU), 1966
RENT RESTRICTIONS (AMENDMENT) BILL, 1966**

*Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas*

ARRANGEMENT OF SECTIONS

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SCHEDULE

PORTIONS OF THE PRINCIPAL ACT WHICH ARE REPEALED



AN BILLE SRIANTA CIOSA (LEASU), 1966
RENT RESTRICTIONS (AMENDMENT) BILL, 1966

BILL

entitled

AN ACT TO AMEND AND EXTEND THE RENT RESTRICTIONS ACT, 1960.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.
1960, No. 42.

1.—(1) In this Act “the Principal Act” means the Rent Restrictions Act, 1960.

(2) The Principal Act and this Act shall be construed together as one Act.

Amendment of
section 3 of
Principal Act.

2.—(1) Section 3 (2) (a) and section 3 (4) of the Principal Act are each hereby amended by the insertion after “sixty pounds” of “(if the dwelling is neither a house nor a separate and self-contained flat) or forty pounds (if the dwelling is a house) or thirty pounds (if the dwelling is a separate and self-contained flat)” and by the insertion after “forty pounds” of “(if the dwelling is neither a house nor a separate and self-contained flat) or thirty pounds (if the dwelling is a house) or twenty pounds (if the dwelling is a separate and self-contained flat)”.

(2) Section 3 (2) (f) of the Principal Act is hereby amended by the insertion of “, save in a case in which there is a coming into possession by the landlord on or after the 8th day of June, 1966,” before “the rateable valuation”.

(3) Section 3 (2) (g) of the Principal Act is hereby amended by the addition at the end of the paragraph of “or which is a separate and self-contained flat (not being a flat forming part of any such buildings) of which the landlord is on the 8th day of June, 1966, in possession or thereafter comes into possession”.

(4) Section 3 (2) of the Principal Act is hereby amended by the addition of the following paragraph:

“(i) a dwelling which is a house the rateable valuation whereof exceeds ten pounds, being a house of which, after the passing of the *Rent Restrictions (Amendment) Act, 1967*, a person, being a bachelor or spinster and being over the age of 21 years and under the age of 65 years, has become the tenant.”

(5) Section 3 (7) of the Principal Act is hereby amended by the insertion after “subsection (2)” of “and in paragraph (g) of that subsection”.

(6) The application of the Principal Act to a house shall not be excluded by reason only of section 3 (6) of that Act in a case in which, at the passing of this Act, the house is occupied for the purposes of his own residence by a person who holds it under a lease the term of which is more than twenty-one years, but if, at any time before the expiration of that term, neither he nor any other person having the lessee’s interest under the lease is in occupation of the house for the purposes of his own residence, the Principal Act shall thereupon cease to apply.

3.—(1) Section 7 of the Principal Act is hereby amended by the insertion of the following subsections before subsection (3) : Amendment of
section 7 of
Principal Act.

5 “(1A) This section applies to a controlled dwelling in respect of which evidence is forthcoming of both of the following facts :

10 (a) that it was on the 8th day of June, 1966 (in this section referred to as the relevant date) held by an occupying tenant thereof under a contract of tenancy not being for more than a term of five years or under a statutory tenancy, and

(b) the rent at which it was so held.

(1B) The basic rent of a controlled dwelling to which this section applies shall be the net rent at which it was held on the relevant date.”

15 (2) Section 7 (3) (a) of the Principal Act is hereby amended by the insertion after “ (as the case may be) ” of “ appropriate by reference to the rates for the local financial year ending on the 31st day of March, 1966 ”.

20 4.—(1) Section 8 of the Principal Act is hereby amended by the insertion of the following subsection before subsection (2) : Amendment of
section 8 of
Principal Act.

25 “(1A) (a) If, on an application to the Court under this subsection by the landlord of a controlled dwelling, the Court is satisfied that the dwelling is a dwelling to which this subsection applies and that the basic rent of the dwelling is less than the rent (in this subsection referred to as the notional rent) which, if the dwelling were a dwelling to which section 9 of this Act applies, would be determined by the Court as the basic rent thereof, the basic rent shall be determined by the Court and shall be the amount which, in the opinion of the Court, represents the notional rent, and thenceforth the dwelling shall, without prejudice to the previous application thereto of paragraph (a) of section 16 of this Act, become a dwelling to which section 9 of this Act applies as if such determination had been made under that section.

30 (b) In determining pursuant to paragraph (a) of this subsection the notional rent of a dwelling, the following paragraph shall be regarded as being substituted for paragraph (b) of section 9 (1A) of this Act :

35 ‘(b) (i) The said rent shall be a rent of such amount as the Court considers reasonable having regard to all the circumstances of the case, but, in particular, to the necessity of avoiding financial hardship to the tenant and the landlord, and subject to the overriding restriction that it shall not exceed the difference between the gross rent and the allowance for improvements as hereinafter respectively defined.

40 (ii) The gross rent shall be the rent which in the opinion of the Court a willing tenant not already in occupation would give and a willing landlord would take for the dwelling, in each case on the basis of vacant possession being given, and in such circumstances that the supply of similar dwellings is sufficient to meet the demand and the competition therefor is normal and having regard to the other terms of the tenancy and to the letting values of dwellings of a similar character to and situate in the vicinity of the dwelling, but without regard to any good-

will which may exist in respect of the dwelling.

(iii) The allowance in respect of improvements shall be such proportion of the gross rent as is, in the opinion of the Court, attributable to improvements made by the tenant or his predecessors in title (whether before or after the commencement of this Act or of the *Rent Restrictions (Amendment) Act, 1967*) which, at the time of the application under this subsection, add to the letting value and are suitable to the character of the dwelling.

(iv) In the foregoing sub-paragraph—
“improvements” means any additions or alterations to the buildings comprised in the dwelling and includes any structures erected on the site of the dwelling or land together with which the dwelling is let which are ancillary or subsidiary to the said buildings and also includes the installation in the dwelling of conduits for the supply of water, gas or electricity, but does not include work consisting only of repairing, painting and decorating, or any of them,

“predecessors in title” means and includes all previous tenants of the dwelling under the same tenancy as the tenant or any tenancy of which such tenancy is or is deemed to be a continuation or renewal.

(c) Where, in the case of a dwelling to which this subsection applies and in respect of which an application to the Court under this subsection has not been made, the landlord, having agreed with the tenant upon a rent to stand determined as the basic rent of the dwelling, serves a notice of that rent on the tenant, thenceforth—

(i) that rent shall stand determined as the basic rent of the dwelling and the dwelling shall, without prejudice to the previous application thereto of paragraph (a) of section 16 of this Act, become a dwelling to which section 9 of this Act applies as if such determination had been made under that section,

(ii) no application to the Court under paragraph (a) of this subsection may be made, and

(iii) in any application of paragraph (b) of section 16 of this Act to the dwelling, a reference to the date of the service of the notice shall be substituted for the date of the institution of proceedings.

(d) Where a notice is served under paragraph (c) of this subsection—

(i) either party to the agreement may, within three months after the date of the service of the notice, apply to the Court for an order altering the rent specified in the notice on the ground that he has,

- since that date, become aware of matters showing that the financial circumstances of the other party at the time of the agreement were substantially better than those by reference to which the agreement was reached,
- (ii) if the Court allows the application, then, notwithstanding *subparagraph (i)* of *paragraph (c)* of this subsection, thenceforth the altered rent determined by the order of the Court shall stand determined as the basic rent of the dwelling and the dwelling shall be regarded as a dwelling to which section 9 of this Act applies as if such determination had been made under that section.
- (e) In this subsection "dwelling to which this subsection applies" means a controlled dwelling (being a house or a separate and self-contained flat)—
- (i) to which section 7 of this Act applies, and
- (ii) in the case of which the landlord at the time of the application under *paragraph (a)* of this subsection or of the service of the notice under *paragraph (c)* thereof was the landlord on the 8th day of June, 1966, and has been the landlord continuously from that day, except that the expression shall be construed as not including a controlled dwelling such as aforesaid unless the landlord shows that either—
- (I) he was not on the 8th day of June, 1966, the landlord of any other controlled dwelling (being a house or a separate and self-contained flat) to which section 7 of this Act applies, or
- (II) the total number of the controlled dwellings (being houses or separate and self-contained flats, or houses or a house and such flats or such a flat) to which section 7 of this Act applies of which he was the landlord on the 8th day of June, 1966, is not more than six and the total of their rateable valuations does not exceed (in case one at least of them is in the county borough of Dublin or the borough of Dún Laoghaire) sixty pounds or (in any other case) forty pounds.
- (f) The Court may, if it so thinks proper, deal privately with the whole or any part of an application under this subsection.
- (g) Every application under this subsection shall, notwithstanding section 50 of this Act, be made to the District Court, and, in the case of an application under *paragraph (a)*, the landlord shall be liable for the tenant's costs in that Court unless that Court, in all the circumstances and having regard, in particular, to the means of the landlord and the means of the tenant, considers it proper to order otherwise.
- (h) Every notice served under this subsection shall be in the prescribed form, or a form substantially to the same effect, and shall contain the relevant particulars indicated by the form.

(i) If a notice served under this subsection contains any statement or representation which is false or misleading in any material respect, the person making or causing to be made such statement or representation shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding ten pounds unless he proves that the statement or representation was made innocently and without intent to deceive."

(2) Section 8 (2) of the Principal Act is hereby amended by the insertion of the following paragraph after paragraph (a):

"(aa) In determining pursuant to paragraph (a) of this subsection the notional rent of a dwelling, the Court shall have regard to any amount expended on the improvement, structural alteration or repair of the dwelling which is an amount by reference to which a lawful addition within the meaning of the Act of 1946 has been obtained or by reference to which a lawful addition within the meaning of this Act has been obtained before the passing of the *Rent Restrictions (Amendment) Act, 1967*."

(3) No application shall be made under section 8 of the Principal Act after the expiration of two years from the passing of this Act.

Amendment of
section 9 of
Principal Act.

5.—Section 9 of the Principal Act is hereby amended by the insertion of the following subsection after subsection (1):

"(1A) (a) The basic rent of a controlled dwelling to which this section applies shall be determined by the Court.

(b) The said rent shall be a rent of such amount as the Court considers reasonable having regard as far as possible to the rents of dwellings which are comparable in regard to location, accommodation, amenities, state of repair and rateable valuation.

(c) In the foregoing paragraph 'rents', in relation to controlled dwellings, refers to basic rents."

Amendment of
section 10 of
Principal Act.

6.—(1) Each of the references to the operative date contained in section 10 (1) of the Principal Act shall be construed as a reference to the 8th day of June, 1966.

(2) Section 10 (2) of the Principal Act is hereby amended by the addition of the following paragraphs:

"(f) in case the landlord—

(i) during the period of three years ending on the 8th day of June, 1966, expended a sum exceeding one-third of the basic rent, or

(ii) during the period of six years ending on that date, expended a sum exceeding two-thirds of that rent,

on maintenance of the dwelling (including painting and the keeping in repair and proper working order of the installations for the supply of water, gas and electricity and for sanitation), a sum (subject to a minimum of two shillings and sixpence per week or its equivalent) equal to fifteen per cent. of the basic rent;

(g) in case the landlord, during the year 1966 or any subsequent year, expends an amount exceeding one-fifth of the basic rent on putting the dwelling into a reasonable state of repair or on its maintenance (including painting and the keeping in repair and proper working order

of the installations for the supply of water, gas and electricity and for sanitation), a sum equal to ten per cent. of the excess."

(3) Section 10 of the Principal Act is hereby amended by the insertion of the following subsections after subsection (4):

"(4A) Where—

(a) a house consists of two or more controlled dwellings and the landlord of the dwellings expends an amount in excess of one-fifth of the aggregate of the basic rents of the dwellings on putting the house into a reasonable state of repair or on its maintenance (including painting and the keeping in repair and proper working order of the installations for the supply of water, gas and electricity and for sanitation), and

(b) all the controlled dwellings benefit directly or indirectly from the repairs or maintenance,

the following provisions shall have effect for the purposes of subsection (2) of this section:

(i) a calculation shall be made in accordance with the provisions of paragraph (g) of that subsection of the sum which would be the lawful addition if the house were a dwelling having a basic rent equal to the aggregate of the basic rents of the dwellings,

(ii) that sum shall be apportioned among the dwellings in proportion to their respective rateable valuations,

(iii) the said paragraph (g) shall be taken as having provided, as respects each dwelling, for the sum apportioned to it on the apportionment (and no other sum) being a lawful addition to its basic rent.

(4B) Where—

(a) apart from this subsection, paragraph (f) of subsection (2) of this section would not apply in respect of a controlled dwelling which is not the sole controlled dwelling of which its landlord is landlord, and

(b) taking all the controlled dwellings of which he is landlord—

(i) they exceed one hundred in number, and

(ii) either—

(I) during the period of three years ending on the 8th day of June, 1966, he has expended a sum exceeding one-third of the aggregate of the basic rents, or

(II) during the period of six years ending on that date, he has expended a sum exceeding two-thirds of that aggregate,

on maintenance such as is referred to in the paragraph of all or any of the dwellings,

the paragraph shall apply in respect of the controlled dwelling unless it is a dwelling for the repair of which he is not liable."

(4) In a case in which there has been an expenditure in the year 1966 or 1967 such as is referred to in section 10 (2) (g) of the Principal Act, there shall be no lawful addition to the basic rent by reference to the amount expended if an addition by reference to that amount has been obtained by virtue of section 10 (2) (e) of the Principal Act.

(5) Section 21 (1) (e) (ii) of the Principal Act is hereby amended by the insertion of "or on maintenance" after "repairs".

Amendment of
section 13 of
Principal Act.

7.—Section 13 of the Principal Act is hereby amended by the insertion of the following subsection after subsection (5):

"(5A) Where a notice under paragraph (b) of subsection (1) 5
or under subsection (2) of this section which has expired is a
notice increasing the rent of any controlled dwelling by an
amount consisting of or including any sum in respect of the
matters mentioned in paragraph (c), (d) or (g) of subsection (2)
of section 10 of this Act— 10

(a) the Court may, on application made by the tenant not
later than twelve months after the expiry of the notice,
if satisfied either—

(i) that the expenditure (in so far as it is applicable to
any of the said matters) in respect of which the 15
notice was served was not incurred or was unneces-
sary in whole or in part,

(ii) that the improvements, structural alterations,
repairs or maintenance have not been carried out
satisfactorily, 20

(iii) that, in a case in which the tenant claims that the
expenditure (in so far as it is applicable to any of
the said matters) in respect of which the notice was
served was unnecessary in whole or in part, the
tenant has been prejudiced in establishing this by 25
his not having been made aware in sufficient time of
the nature of the works proposed,

(iv) that, at the time of the application, the dwelling is
not in good and tenantable repair, or

(v) that, in a case in which the acquisition by the land- 30
lord of the dwelling was before the 1st day of
January, 1970, the amount consists of or includes
any sum expended in the year 1970 or any subse-
quent year in respect of repairs rendered
necessary by breach of an obligation imposed on 35
the landlord by contract or statute and the landlord
has not, during the three years immediately pre-
ceding the year of such expenditure, expended a
reasonable sum on the maintenance of the dwelling,

disallow or reduce the increase accordingly, as from 40
such date (whether before the date of the application
or otherwise) as the Court thinks fit, and

(b) the Court may, on application made by the tenant not
later than twelve months after the expiry of the notice, if
satisfied that the landlord did not apply for a grant 45
under the Housing (Financial and Miscellaneous Pro-
visions) Acts, 1932 to 1962, or the Housing Act, 1966,
in respect of the improvements, structural alterations
or repairs but that it is reasonable to assume that an
application therefor would have been granted, reduce 50
the increase by an amount not exceeding twenty-five
per cent. of the basic rent, as from such date (whether
before the date of the application or otherwise) as the
Court thinks fit."

1966, No. 21.

Amendment of
section 15 of
Principal Act.

8.—(1) Section 15 (2) of the Principal Act is hereby amended 55
by the substitution of "thirty-three and one-third per cent."
for "twenty per cent."

(2) Section 15 (4) (b) of the Principal Act is hereby amended
by the substitution of "sixty-six and two-thirds per cent." for
"eighty per cent." 60

9.—Section 29 (1) (j) of the Principal Act is hereby amended by the insertion of “, for the purpose of enabling the tenant, without incurring hardship, to secure appropriate alternative accommodation,” after “such sum”.

Amendment of
section 29 (1) (j)
of Principal Act.

5 10.—(1) This section applies to a controlled dwelling other than a dwelling lawfully used in part for the purposes of any business, trade or profession.

Restriction on
assignment.

10 (2) (a) The tenant of a controlled dwelling to which this section applies shall not assign the tenancy without the consent in writing of the landlord unless the contract of tenancy is in writing and contains a provision authorising assignment without the consent of the landlord.

15 (b) Consent for the purposes of this subsection may be withheld only if the assignment is otherwise than to a member of the tenant's family who is *bona fide* residing with him at the time of the assignment.

(3) An assignment in contravention of subsection (2) of this section shall be void.

20 (4) Paragraphs (a) to (d) of section 31 (5) of the Principal Act shall apply in construing the word “family” for the purposes of subsection (2) of this section.

(5) Section 56 of the Landlord and Tenant Act, 1931, shall not apply to a lease of a controlled dwelling to which this section applies.

1931, No. 55.

25 (6) Section 32 (4) (b) of the Principal Act shall not apply to a statutory tenancy of a controlled dwelling to which this section applies.

30 11.—(1) This section applies to a weekly or monthly letting of a controlled dwelling, being a dwelling in the case of which there has been a lawful addition by reference to section 10 (2) (b) of the Principal Act, other than any such letting in the contract for which there is, in accordance with section 114 of the Housing Act, 1966, to be implied the condition and undertaking referred to in that section.

Liability for
repairs (weekly
or monthly
letting).

1966, No. 21.

35 (2) Subject to the subsequent provisions of this section, there shall, in the case of a letting to which this section applies, be implied a covenant by the landlord—

(a) to keep in repair the structure (including flooring) of the dwelling, and

40 (b) to keep in repair (including keep painted) the exterior (including drains, gutters and external pipes, window frames and exterior doors) of the dwelling, and

45 (c) to keep in repair and proper working order the installations in the dwelling for the supply of water and gas, and for sanitation (including basins, sinks, baths and sanitary conveniences but not, except as aforesaid, fixtures, fittings and appliances for making use of the supply of water or gas), and

50 (d) where the dwelling is a room or flat, to keep the ceiling in repair.

(3) Where there is a covenant in writing under which the tenant is obliged to carry out any or all of the repairs mentioned in subsection (2) of this section, the landlord shall not be liable for those repairs.

(4) The covenant implied by this section (hereinafter referred to as the landlord's repairing covenant) shall not be construed as requiring the landlord—

(a) to carry out any works or repairs for which the tenant is liable by virtue of his duty to use the dwelling in a tenant-like manner, or would be so liable apart from any express covenant on his part,

(b) to rebuild or reinstate the dwelling in the case of destruction or damage by fire, or by tempest, flood, or other inevitable accident, or

(c) to keep in repair or maintain anything which the tenant is entitled to remove from the building.

(5) In determining the standard of repair required by the landlord's repairing covenant, regard shall be had to the age, condition, character, situation and prospective life of the dwelling.

(6) In any letting in which the landlord's repairing covenant is implied, there shall also be implied a covenant by the tenant that the landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the occupier, enter the dwelling for the purpose of viewing its condition and state of repair, and shall be afforded by the tenant all reasonable facilities for executing any repairs which the landlord is entitled to execute.

(7) Any covenant in writing under which the landlord or the tenant is required to carry out repairs other than those mentioned in subsection (2) of this section shall not be affected.

(8) So much of section 42 of the Landlord and Tenant Law Amendment Act, Ireland, 1860, as implies agreements with respect to good and substantial repair and condition of premises shall not apply to a letting to which this section applies.

(9) Neither paragraph (a) nor paragraph (c) of section 32 (4) of the Principal Act shall apply where the letting of the dwelling is a letting to which this section applies.

1860, c. 154.

Provisions
relevant to
provisional orders
under Part III
of Principal Act.

12.—(1) Where an order under section 21 of the Principal Act stood in force immediately before the passing of this Act, it shall have effect as from such passing subject to the following modifications:

(a) for the amount specified therein as the basic rent of the dwelling in question there shall be substituted an amount equal to the lawful rent so specified less any amount so specified in respect of rates, and

(b) for the amount so specified in respect of lawful additions there shall be substituted an amount equal to any amount so specified in respect of rates.

(2) Where an application is made by a landlord under section 8 (1A) of the Principal Act in relation to a dwelling in the case of which an application previously made under section 20 of the Principal Act remains not determined, the latter application shall be regarded as terminated.

(3) Where, during the month referred to in section 23 (1) of the Principal Act, an application is made by the landlord under section 8 (1A) of that Act in relation to the dwelling—

(a) the order made on the application shall operate to revoke the order under section 21 of the Principal Act, and

(b) thereupon the provision as to the rent to be paid contained in section 22 (2) of the Principal Act shall not apply to the dwelling.

(4) The applications under section 8 (1A) of the Principal Act mentioned in subsections (2) and (3) of this section may be made notwithstanding subsection (3) of section 22 of that Act.

13.—(1) This section applies to a dwelling which is a house or
5 a separate and self-contained flat, being a house or flat—

Application of
Landlord and
Tenant Act,
1931, to certain
dwellings.

(a) which immediately before the passing of this Act was a
controlled dwelling subject to a letting which was not—

10 (i) a letting made and expressed to be made for the
temporary convenience of the landlord or of the
tenant and (if made after the 22nd day of
December, 1931) stating the nature of such tem-
porary convenience, or

15 (ii) a letting made for or dependent on the continuance
of the tenant in any office, employment or appoint-
ment, and

(b) the rateable valuation of which—

20 (i) in case it is situate in the county borough of Dublin
or the borough of Dún Laoghaire, exceeds forty
pounds (if it is a house) or thirty pounds (if it is
a separate and self-contained flat);

(ii) in any other case, exceeds thirty pounds (if it is
a house) and twenty pounds (if it is a separate
and self-contained flat).

25 (2) This section also applies to a dwelling which is a house
the rateable valuation whereof exceeds ten pounds, being a house of
which, after the passing of this Act, a person, being a bachelor
or spinster and being over the age of 21 years and under the age
of 65 years, has become the tenant.

30 (3) The Landlord and Tenant Act, 1931, shall apply to all
dwellings to which this section applies and for that purpose—

(i) "tenement" in that Act shall include all such
dwellings,

35 (ii) section 19 (1) of that Act (as amended by section
54 of the Principal Act) shall have effect as if the
following word and paragraph were added thereto:

"or

(f) such tenement is a dwelling referred to in
section 13 (1) or 13 (2) of the *Rent Restric-*
tions (Amendment) Act, 1967."

40 (iii) in any application of section 24 (2) (a) of that Act
to any such dwelling, the reference therein to one
month shall be construed as a reference to six
months,

45 (iv) where any such dwelling, being a dwelling referred
to in subsection (1) of this section, was, immedi-
ately before the passing of this Act, held under a
statutory tenancy, the tenant under that tenancy
shall, as from such passing, be deemed to hold the
dwelling from the landlord under a tenancy
50 having the same terms and conditions as the
statutory tenancy except that the landlord may,
by not less than three months' notice (expiring on
any day specified in that behalf in the notice)
served on the tenant, determine the tenancy,

55 (v) where any such dwelling, being a dwelling referred
to in subsection (2) of this section, was, immedi-
ately before the time when the person referred to

in that subsection became the tenant, held under a statutory tenancy, that person shall, as from that time, be deemed to hold the dwelling from the landlord under a tenancy having the same terms and conditions as the statutory tenancy except that the landlord may, by not less than three months' notice (expiring on any day specified in that behalf in the notice) served on the tenant, determine the tenancy,

(vi) any notice under either of the foregoing paragraphs shall, for the purposes of section 24 (2) (a) of that Act, be deemed to be a notice to quit,

(vii) in any application of section 23 of that Act to any such dwelling, that section shall have effect as if "whichever of the following is the greater, that is to say, such sum, for the purpose of enabling the tenant, without incurring hardship, to secure appropriate alternative accommodation, as the Court considers proper, being not less than three years' rent (including rates, whether or not payable by the tenant) or " were inserted after "the measure of such compensation shall be",

(viii) in any application of section 29 of that Act to any such dwelling—

(I) in case the occasion is the first occasion on which the terms of a new tenancy for the dwelling are fixed under that section and the Court is satisfied that payment of the rent which, apart from this provision, would be fixed would cause hardship to the tenant, the Court shall fix the rent payable by the tenant under the new tenancy at a sum (not below the existing rent) which it is satisfied that, having regard to all the circumstances of the case, including any hardship to the landlord, the tenant should be required to pay and paragraph (c) of that section shall have effect as if "exceed a term of ten years" were substituted for "without the consent of the tenant, be less than a term of twenty-one years and shall not in any case exceed a term of ninety-nine years",

(II) in any other case, paragraph (g) of that section shall have effect as if "(whether before or after the passing of this Act or of the *Rent Restrictions (Amendment) Act, 1967*) which, at the time of the application to the Court, add to the letting value and are suitable to the character of the tenement" were substituted for "and in respect of which the tenant would have been entitled to compensation for improvements if (as the case may be) Part III of this Act did not apply to such tenement or such new tenancy had not been created".

(4) (a) The application by virtue of subsection (3) of this section of the Landlord and Tenant Act, 1931, to a dwelling shall cease upon the landlord's coming into possession of the dwelling.

(b) In the foregoing paragraph "possession" means 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.

Repeals.

14.—The portions of the Principal Act which are specified in the Schedule to this Act are hereby repealed.

15.—(1) This Act may be cited as the Rent Restrictions (Amendment) Act, 1967.

Short title
and collective
citation.

(2) The Principal Act and this Act may be cited together as the Rent Restrictions Acts, 1960 and 1967.

5

SCHEDULE

PORTIONS OF THE PRINCIPAL ACT WHICH ARE REPEALED

Section 14.

Subsections (1) and (2) of section 7.

The words “ not being a dwelling referred to in paragraph (a) of subsection (2) of that section,” in paragraph (a) of section 8 (1).

10 Paragraph (b) of section 8 (1).

The words “ not being a dwelling referred to in paragraph (a) of subsection (2) of that section,” in paragraph (a) of section 8 (2).

Paragraph (b) of section 8 (2).

Subsection (3) of section 8.

15 Subsection (2) of section 9.

Paragraphs (b) and (e) of section 10 (2).

Subsections (3), (5), (6) and (7) of section 10.

20 The words “ any tenant of which has availed himself of this Act or of any of the former enactments relating to restriction of rent to obtain a reduction of the rent of the dwelling ” in subparagraph (ii) of section 13 (4) (a).

Subsection (6) of section 13.

The words “ to which Chapter I of Part II of the Act of 1946 applied ” in subsection (1) of section 15.

25 The words “ if ‘ (being dwellings to which Chapter I of Part II of the Act of 1946 applied) ’ were contained in subsection (2) of the said section 9 after ‘ controlled dwellings ’, ” in clause (I) of section 21 (1) (c) (i).

30 The words “ paragraph (b) of subsection (2) of section 10 and ” in section 39.

Second Schedule

AN BILLE SRIANTA CÍOSA (LEASU),
1966

RENT RESTRICTIONS (AMENDMENT)
BILL, 1966

BILLE

dá ngairtear

Acht do leasú agus do leathnú an Achta Srian-
ta Cíosa, 1960.

BILL

entitled

An Act to amend and extend the Rent Restric-
tions Act, 1960.

*Rite ag dhá Theach an Oireachtais,
3 Bealtaine, 1967*

*Passed by both Houses of the Oireachtas,
3rd May, 1967*

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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