

RENT RESTRICTION (SERVICED PREMISES) ACT

CHAPTER 59:52

Act
10 of 1943

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 59:52

RENT RESTRICTION (SERVICED PREMISES) ACT

An Act to apply the Rent Restriction Act to premises let with service.

1950 Ed.
Ch. 27 No.19.
10 of 1943.

[16TH MARCH 1943]

Commencement.

1. This Act may be cited as the Rent Restriction (Serviced Premises) Act, and shall be construed as one with the Rent Restriction Act, which Act is hereinafter referred to as the Principal Act.

Short title and
construction.
Ch. 59:50.

2. For the purposes of this Act, and of the Principal Act (in so far as its application is extended by this Act)—

Interpretation.

- (a) where a person occupies serviced premises (as defined below) for money consideration in circumstances in which, but for this paragraph, he would be a licensee, the relationship of landlord and tenant shall be deemed to exist between such person and the licensor, and the expressions “landlord”, “let”, “rent”, “standard rent,” “tenant” and “tenancy” shall be construed accordingly; but the expressions “rent” and “standard rent” mean the rent or standard rent exclusive of any charge for service;
- (b) the following expressions shall have the meaning hereby assigned to them:

“service” means any service or facility incidental to a tenancy, including board, attendance, partial board and partial attendance, which is provided by the landlord for the tenant, or any combination of such services and facilities;

“serviced premises” means a building, a part of a building separately let, or a room, which, at the material date, was or is—

- (i) let with service; and
- (ii) used mainly as a dwelling or as a place of residence,

Ch. 33:02. and includes land occupied with the premises under the tenancy, but does not include premises let with agricultural land, or premises let by the National Housing Authority as constituted under the Slum Clearance and Housing Act, or accommodation in any premises as to which an order of the Board is in force under section 4.

Extension of the application of the Principal Act.
Ch. 59:50.

3. On and after the 20th April 1943, the following provisions shall, subject to this Act, have effect in regard to serviced premises:

(a) notwithstanding section 3(2)(a) of the Principal Act, the Principal Act shall apply to serviced premises as though they were dwelling houses within the meaning of the Principal Act. However—

- (i) for the purpose of determining standard rent, the premises shall not be regarded as having been previously let in the same category of letting unless (in case the premises were let with service) the amount of the rent, apart from any charges for service, was agreed between the landlord and the tenant;
- (ii) where serviced premises are let as such on 19th April 1943, at a charge which is inclusive of rent and service, the standard rent of the premises applicable to the category of letting in question shall, unless determinable by reference to a previous letting, be the proportion of the inclusive charge determined by the landlord as representing the rent of the premises;
- (iii) the landlord shall, forthwith after 19th April 1943, in the case of serviced premises let as such on that date, and at the time of the letting in the case of serviced premises let as such after that date, furnish the tenant with a statement in writing of the amount of the standard rent of the premises and of the charges for service, and if he fails to do so, he is guilty of an offence against the Principal Act;

- (iv) no inclusive charge for rent and service in connection with serviced premises (unless incurred before 20th April 1943) shall be recoverable by the landlord from the tenant and, if paid by the tenant, shall be recoverable by him or persons claiming through him from the landlord or his personal representative;
 - (v) section 13 of the Principal Act shall not operate to prevent the making of charges for service in relation to serviced premises;
 - (vi) section 19 of the Principal Act shall not be construed as conferring any jurisdiction under the Summary Ejectment Ordinance in the case of any occupier of serviced premises who is actually a licensee;
- (b) any Court in which proceedings are taken to recover judgment in respect of any charges for service, or in which an order or judgment is sought for the recovery of possession of serviced premises or the ejectment of a tenant therefrom on the ground (as hereinafter provided) that charges for service are outstanding, may reduce the sum payable in respect of such charges for service in any case in which the Court is satisfied that the amount claimed is excessive;
- (c) the Board, on the application of the landlord or owner or of the tenant, may by order fix the amount of any charge for service in connection with serviced premises which, in the opinion of the Board, is reasonable, and may from time to time vary any order previously made in the light of changed circumstances. When the amount of a charge for service has been so fixed by the Board, no sum in excess of such amount shall be recoverable by the landlord from the tenant and, if paid by the tenant, any sum in excess as

Ch. 27, No. 17.
(1950 Ed.).

aforesaid shall be recoverable by him or persons claiming through him from the landlord or his personal representative. When the Board has fixed the amount of a service charge in relation to any serviced premises, a Court shall not exercise, in relation to any sum claimed in respect of such charge, the powers conferred by paragraph (b). A landlord or owner may include in one application a request for the determination of all or any service charges in relation to all or any serviced premises in any one building, and the Board may give such directions as to service on any tenant or tenants, or otherwise as to the determination of the application, as it may think just;

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- (d) there shall be included among the grounds on which, under section 14 of the Principal Act, the landlord may obtain an order or judgment for possession of serviced premises or for the ejection of a tenant therefrom the following ground, namely, that the tenant has failed to pay some outstanding charges for service for at least thirty days after they became due; but, without prejudice to the provisions of the Principal Act, the Court shall not make an order or give a judgment as aforesaid if the tenant pays the outstanding charges for service, or such reduced amount as the Court may award under paragraph (b), within such time as the Court shall allow.

Hotels, boarding houses, etc.

4. (1) The landlord of any premises may at any time after the commencement of this Act apply to the Board for an order exempting the premises from the control imposed by section 3 on the ground that the premises are an hotel, or a boarding house, or premises in which similar accommodation is offered and with similar facilities to the accommodation and facilities usually offered in hotels or boarding houses.

(2) With his application the landlord shall submit his tariff of charges for accommodation in the premises.

(3) The Board may make the order applied for if the Board is satisfied that the premises come within one of the descriptions mentioned in subsection (1) and that the tariff is not in any respect excessive.

(4) When an order has been made under this section, the landlord may from time to time submit to the Board an amended tariff, and, if the Board is satisfied that the amended tariff is not in any respect excessive, the Board may order that the amended tariff be approved in substitution for the tariff previously approved.

(5) If the Board at any time is of opinion that an approved tariff has become excessive in some respect, the Board may, after giving the landlord an opportunity of being heard and of submitting an amended tariff, by order cancel its previous approval of that tariff.

(6) The landlord is guilty of an offence against the Principal Act if he recovers, or attempts to recover, any charges in excess of those set out in the tariff from time to time approved by the Board. No such excess shall be recoverable by the landlord from the tenant and, if paid by the tenant shall be recoverable by him or persons claiming through him from the landlord or his personal representative. Ch. 59:50.

(7) The landlord shall at all times cause the tariff approved by the Board to be exhibited conspicuously in the premises and shall not permit to be exhibited any other tariff, and, if he fails to comply with this subsection, he is guilty of an offence against the Principal Act.

(8) An order of the Board under this section shall remain in force so long only as the premises remain premises within one of the descriptions mentioned in subsection (1), and shall in any event cease to have effect if the Board, after giving the landlord an opportunity of being heard, is satisfied that the premises have ceased to be premises within one of the descriptions aforesaid and rescinds its order accordingly.