

CHAPTER 378

THE RENT RESTRICTION ACT

Arrangement of Sections

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SCHEDULE

RENT RESTRICTION

*(12th September, 1947.)*1311947.
1211950.
511960.
1811989.
S.I. 3911989.

1. This Act may be cited as the Rent Restriction Act. **Short title.**

2. In this Act— **Interpretation.**

"building land" means land let to a tenant for the purpose of the erection or placing thereon by the tenant of a building used, or to be used, as a dwelling house, or for the public service or for business, trade or professional purposes, or for any combination of such purposes, or land on which the tenant has lawfully erected or placed such a building; but does not include agricultural land to which the Agricultural Small Holdings Act, applies; **A.5/1960.**

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"dwelling-house" means a house, or part of a house separately let, or a room separately let, which at the material date was or is used mainly as a dwelling, and includes land occupied with the premises under the tenancy, but does not include a house, part of a house or room when let with agricultural land;

"furniture" includes fittings, machinery and other articles used in premises not being fixtures;

"landlord" includes any person deriving title under the original landlord and any person who is entitled to the possession of the premises;

"let" includes sub-let;

"let furnished" means let at a rent which includes payment for the use of furniture;

"new building" means a dwelling-house or a public or commercial building erected after the 3rd day of September, 1939;

^a
"public or commercial building" means a building, or part of a building separately let, or a room separately let, which at the material date was or is used mainly for the public service or for business, trade or professional purposes, and includes land occupied therewith under the tenancy but does not include a building, part of a building or room when let with agricultural land;

"Rent Commissioners" means the persons appointed under section 4;

"standard rent" means in relation to any building land or dwelling-house or public or commercial building the rent at which the building land or dwelling-house or public or commercial building was let on the 3rd day of September, 1939, or, where the building land or dwelling-house or public or commercial building was not let on that date, the rent at which it was let before that date, or, in the case of any building land or any dwelling-house or public or commercial building not being a new building but one which was first let after the 3rd day of September, 1939, a rent to be fixed by the Rent Commissioners appointed under this Act, or in the case of any new building, the rent at which it was first let:

Provided that, in the case of any building land or dwelling-house or public or commercial building let at a progressive rent payable under a tenancy agreement or lease, the maximum rent payable under such tenancy agreement or lease shall be the standard rent;

"tenant" includes a sub-tenant and any person deriving title from the original tenant or sub-tenant, as the case may be;

"tenancy" includes "sub-tenancy."

3. This Act shall apply to all land which is building land at the commencement of this Act or becomes building land thereafter, and to all dwelling-houses and public or commercial buildings whether in existence or let at the commencement of this Act or erected or let thereafter:

Application of Act.

Provided that this Act shall not apply to any dwelling-house *bonâ fide* let at a rent which includes payment in respect of board, attendance or use of furniture; or to building land while let on a building lease, or a renewal or continuance of a building lease, for a term of twenty-five years or more.

4. (1) The Minister may for the purpose of carrying into effect the provisions of this Act appoint three fit and proper persons, one of whom shall be a government officer, to be Rent Commissioners for Antigua and Barbuda.

Appointment of Rent Commissioners.

(2) The Minister shall appoint one of such persons to be Chairman of the Rent Commissioners.

5. It shall not be lawful for the landlord to increase the rent of—

Limitation on increase of rent.

(a) any new building to which this Act applies beyond the standard rent thereof unless the increase is sanctioned by the Rent Commissioners in accordance with the provisions of section 6;

(b) any building land or dwelling-house or public or commercial building to which this Act applies, other than a new building, to an amount which exceeds the standard rent by more than fifteen per centum unless the increase is sanctioned by the Rent Commissioners in accordance with the provisions of section 6.

6. (1) On the application of the landlord and subject to the provisions of subsection (2) the Rent Commissioners may sanction an increase of the rent of—

Increase of rent.

(a) any new building to which this Act applies;

(b) any building land or dwelling-house or public or commercial building to which this Act applies, other than a new building, by an amount which exceeds the standard rent by more than fifteen per centum.

(2) The Rent Commissioners may—

(a) Where the landlord has since the 3rd day of September, 1939, incurred, or hereafter incurs, expenditure

- (i) on substantial improvements or structural alterations to a dwelling-house or public or commercial building other than ordinary repairs;
- (ii) on substantial improvements made to the roadway adjacent to the land other than necessary maintenance and drainage;
- (iii) in providing a suitable water supply or the extension of such a water supply from which the tenant derives benefit,

sanction an increase of rent by an amount calculated at a rate per annum not exceeding eight per centum of the amount so expended.

(b) Where the landlord has since the 3rd day of September, 1939, incurred, or hereafter incurs expenditure on repairs to a dwelling-house or public or commercial building, sanction an increase of rent by an amount calculated at a rate per annum not exceeding twenty per centum of the standard rent.

(c) Where the rates and taxes payable by a landlord in respect of any building land, or dwelling-house or public or commercial building have been increased, sanction an increase of rent by an amount not exceeding the amount of the increase in the rates and taxes payable by the landlord in respect of the building land or dwelling-house or public or commercial building.

(3) A copy of an application under this section shall be served on the tenant if the premises are occupied.

**Fixation of
standard rent.**

7. It shall be lawful for the Rent Commissioners at any time, by notice in writing served on the landlord, to require him to apply to them, within a time to be specified in the notice, to fix the standard rent of any new building or building land or dwelling-house or public or commercial building to which this Act applies; and if the landlord shall

fail so to apply, he shall be guilty of an offence against this Act; and the Rent Commissioners may fix such standard rent as though he had so applied.

8. On the hearing of any application by the Rent Commissioners, whether it be in respect of an application by the landlord under section 6 or in relation to a request to the landlord by the Rent Commissioners to apply for the fixation of the standard rent under section 7 the Rent Commissioners shall give all interested parties an opportunity of being heard and of adducing evidence and shall try the whole matter of the application and give judgment or make any order thereon, and shall give any direction they may consider necessary to enable them to give a final judgment or to make an order, and may from time to time adjourn the hearing of the application. **Powers of Rent Commissioners.**

9. (1) If any party to any proceedings before the Rent Commissioners under section 6 or section 7 is aggrieved by the decision of the Rent Commissioners such party may appeal therefrom to a Judge of the High Court by way of summons in Chambers within fifteen days from the date of the decision and shall serve a notice on the Rent Commissioners of his intention to appeal against such decision: **Right of Appeal.**

Provided that notwithstanding the lapse of such period of fifteen days any such party may appeal against the said assessment if he shows to the satisfaction of a Judge that owing to absence from Antigua and Barbuda, sickness or other reasonable cause, he was prevented from appealing within such period, and that there has been no unreasonable delay on his part.

(2) Such summons shall be served on the other party (if any) to the proceedings two clear days before the return thereof and shall state concisely the grounds of appeal.

(3) On receipt of the aforesaid notice the Rent Commissioners shall without delay transmit to the Registrar of Antigua and Barbuda all papers relating to such appeal.

(4) The Judge may adjourn the hearing of the appeal and may upon the hearing thereof confirm, reverse or modify

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the decision of the Rent Commissioners or make such other order in the matter as he may think just.

(5) The costs of the appeal shall be in the discretion of the Judge hearing the appeal and shall be a sum fixed by the Judge.

Rent in excess of standard rent irrecoverable.

10. Where after the commencement of this Act the rent of any building land or dwelling-house or public or commercial building to which this Act applies exceeds the standard rent by more than fifteen per centum and the excess is not sanctioned by the Rent Commissioners the amount by which the rent exceeds the standard rent as increased by fifteen per centum shall notwithstanding any agreement to the contrary, be irrecoverable from the tenant and if it is paid by the tenant shall be recoverable by him from the person to whom it was paid or his personal representatives and may, without prejudice to any other method of recovery be deducted from any rent or money due or subsequently becoming due from the tenant:

Provided that no amount paid before the commencement of this Act shall be recoverable.

No premium to be chargeable in respect of tenancy.

11. A landlord shall not, as a condition of the grant, renewal or continuance of a tenancy of any building land or dwelling-house or public or commercial building to which this Act applies, require payment of any fine, premium or other like sum, or the giving of any consideration, in addition to the rent; and where any such payment or consideration shall be paid or given after the commencement of this Act, the amount or value thereof shall be recoverable by the tenant by whom it was made or given, and without prejudice to any other method of recovery be deducted from any rent payable by him to the landlord.

Restriction on right to possession.

12. No notice to quit any building land or dwelling-house or public or commercial building to which this Act applies shall have effect unless—

(a) some rent lawfully due from the tenant has not been paid for at least thirty days after it has become due; or

(b) some other obligation of the tenancy (whether expressed or implied) has been broken or not performed and, in the case of non-performance of any such obligation by the tenant, the tenant has been in default for at least thirty days; or

(c) the tenant or any person residing or lodging with him or being his sub-tenant has been guilty of conduct which is a nuisance or annoyance to adjacent or adjoining occupiers, or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose, or the condition of the premises has, in the opinion of the court, deteriorated or become insanitary owing to acts of waste by, or the neglect or default of, the tenant or any such person and, where such person is a lodger or sub-tenant, the court is satisfied that the tenant has not, before the making or giving of the notice to quit, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant; or

(6) the premises, being a dwelling-house or a public or commercial building, are reasonably required by the landlord for—

(i) immediate occupation as a residence for himself or for some person wholly dependent upon him or for any person *bonâ fide* residing with him, or for some person in his whole time employment; or

(ii) use by himself for business, trade or professional purposes; or

(iii) a combination of the purposes in subparagraphs (i) and (ii) above; or

(e) the premises, being building land, are reasonably required by the landlord for—

(i) the erection of a building to be used for any of the purposes specified in paragraph (d); or

(ii) use by himself for business, trade or professional purposes not involving the erection of a building; or

(iii) a combination of such purposes; or

(f) the premises, being a dwelling-house or a public or commercial building, are required for the purpose of being repaired, improved, or rebuilt, and an undertaking is given that the landlord will, immediately after the completion of the repairs, improvements or rebuilding, give the tenant an opportunity for renewing his tenancy at such rent and on such conditions as the Rent Commissioners may order; or

(g) the premises are required for public purposes; or

(h) the dwelling-house, or the public or commercial building, or the building erected by the tenant on building land, as the case may be, is required by law to be demolished; or

(i) the tenant has sub-let, or parted with the possession of, the whole or any part of the premises without either obtaining the consent of the landlord or being expressly authorized by or under the tenancy agreement or lease so to do; or

(j) the tenant of a dwelling-house, or of building land on which the building erected by the tenant is used or is intended to be used mainly as a dwelling, uses the house or building mainly for business, trade or professional purposes without either obtaining the consent of the landlord or being authorized by or under the tenancy agreement or lease so to do; or

(k) in the case of building land the building erected thereon has been sold under distress for rent; or

(l) the dwelling-house has been let to a tenant in the employment of the landlord on condition that the tenancy shall subsist only during the continuance of such employment, or only until the expiration of a period not exceeding one month after the termination of such employment, and the employment has terminated, or such period has expired as the case may be; or

(m) the dwelling-house has been let to a tenant in the employment of the landlord in consequence of that employment, and the employment has determined or the landlord has offered the tenant suitable alternative accommodation.

13. Where premises let as a dwelling-house on or before the 3rd day of September, 1939, have subsequent to that date been let for business, trade or professional purposes, or for the public service, the rent agreed to be paid on the first letting of the premises after the 3rd day of September, 1939, for business, trade or professional purposes or for the public service, shall be regarded as the standard rent and the provisions of section 5 shall not apply in such case.

Variations of standard rent.

14. The Chairman of the Rent Commissioners shall have all the powers of the High Court for the purpose of enforcing the attendance of witnesses, compelling the production of documents and material subjects, administering oaths and taking evidence, amending any defect or error in any proceedings.

Powers of Chairman of the Rent Commissioners.

15. On the hearing of any application under this Act any interested party may appear and be heard or may be represented by counsel or solicitor.

Counsel and solicitors.

16. In proceedings under this Act before the Rent Commissioners the fees specified in the Schedule shall be collected by means of stamps and affixed to the relative documents.

Fees. Schedule.

17. (1) The Public Service Commission may appoint a fit and proper person to be Rent Restriction Officer for Antigua and Barbuda or any part thereof.

Appointment and duties of Rent Restriction Officer.

(2) It shall be the duty of the Rent Restriction Officer to see that the provisions of this Act are observed by landlords and he may for that purpose require the landlord or the tenant of any building land or dwelling-house or public or commercial building to which this Act applies to furnish him with such information as he may require in relation to the building land or dwelling house or public or commercial building.

18. (1) Every person who wilfully refuses to furnish any information which he may be required by the Rent Restriction Officer to furnish or, who knowingly furnishes false information, required as aforesaid, shall be guilty of an offence against this Act.

Offences.

(2) Every landlord who shall demand or receive a rent in excess of that which is authorized by this Act shall be guilty of an offence against this Act.

Penalty.

19. Every person who is guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months.

Proceedings for offences, how instituted.

20. All proceedings before a Magistrate for an offence against this Act shall be taken in the name of the Rent Restriction Officer.

SCHEDULE

S. 16

FEEs

Application to sanction an increase of rent	\$1.20
Application to summons witnesses — for every witness24