

Landlord and Tenant Regulation 1994

As at 1 September 2003

1 Name of Regulation

This Regulation may be cited as the *Landlord and Tenant Regulation 1994* .

2 Commencement

This Regulation commences on 1 September 1994.

3 Definitions

(1) In this Regulation:

the Act means the *Landlord and Tenant (Amendment) Act 1948* .

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

4 Prescribed form of statement: sec 5AB

For the purposes of section 5AB of the Act, the prescribed form of statement (being a statement by a lessee of premises to the effect that the lessee did not enter into possession of the premises until on or after 1 January 1986) is Form 1.

5 Prescribed amount: sec 31MAA

(1) For the purposes of the definition of **prescribed amount** in section 31MAA (1) of the Act, the amount prescribed in lieu of the amount specified in that definition is the amount calculated by multiplying the maximum fortnightly age pension by 65.

(2) In this clause, a reference to the maximum fortnightly age pension is a reference to the maximum fortnightly rate at which an age pension is from time to time payable, under the *Social Security Act 1991* of the Commonwealth, to a person who is not a member of a couple.

6 Prescribed form of statutory declaration: sec 31MBA

For the purposes of section 31MBA (4) of the Act, the prescribed form of statutory declaration is Form 2, 3, 4 or 5, whichever is appropriate to the circumstances in which the declaration is made.

7 Prescribed military and air operations: sec 99

For the purposes of the definition of **present war** in section 99 (1) of the Act, the military and air operations that commenced after 28 June 1950 by Australian forces (whether acting alone or in association with other British Commonwealth forces) in Malaya (including the waters contiguous to the coast of Malaya for a distance of 10 nautical miles seaward from the coast) are prescribed operations.

8 Prescribed fees: secs 5A, 17A, 44, 52, 57, 58, 94

(1) The fees set out in the Table to this clause are prescribed in lieu of the fees prescribed by the provisions of the Act to which they relate.

(2) A fee set out in the Table to this clause in lieu of a fee payable under section 52 (1A) or 57 (1B) of the Act does not apply if:

(a) the application or enquiry concerned:

(i) relates to prescribed premises contained in premises that contain other prescribed premises, and

- (ii) is made simultaneously with similar applications or enquiries with respect to each of the other prescribed premises, and
 - (b) a fee has been paid with respect to one of the other applications or enquiries.
- (3) For the purposes of section 52 (2) of the Act, the prescribed fee to accompany an application under that subsection is:
- (a) \$2, if the application:
 - (i) relates to prescribed premises contained in premises that contain other prescribed premises, and
 - (ii) is made simultaneously with similar applications with respect to each of the other prescribed premises, or
 - (b) \$10, in any other case.

Table

5A (11) (c)

17A (7) (b)

17A (11) (c)

44 (1A)

52 (1A)

57 (1B)

58 (3)

94 (4)

9 Repeal

The *Landlord and Tenant (Amendment) Act Regulations* are repealed.

Schedule 1 Forms

Form 1

(Clause 4)

LANDLORD AND TENANT (AMENDMENT) ACT 1948

(Section 5AB)

STATEMENT BY LESSEE

DATE OF TAKING POSSESSION OF PREMISES

1. *I/We,

(Name(s) in block letters)

*am/are the lessee(s) of the premises at

(Address of premises)

2. *I/We did not enter into possession of the premises until on or after 1 January 1986.

re (Lessee) s (Name in block letters) (Address)

ure (Lessee) s (Name in block letters) (Address)

*Delete, where appropriate. If there are more than two lessees, each additional lessee should also sign the form and have the signature witnessed.

Form 2

(Clause 6)

LANDLORD AND TENANT (AMENDMENT) ACT 1948

(Section 31MBA (4))

INFORMATION AS TO NET INCOME OF LESSEE AND NAMES OF ALL RESIDENTS
RESIDING IN PRESCRIBED PREMISES

STATUTORY DECLARATION

I/We do solemnly and sincerely declare that:

1. I/We are the lessee/s of prescribed premises situated at
2. My/Our net income for the last financial year ending 30 June 19 was \$
3. The following persons are residents of the prescribed premises:
(Do not include in the list of residents the names of the lessee, any sub-lessee, any relative of a sub-lessee ordinarily residing with the sub-lessee, any person under the age of 16 years or any boarder or lodger.)
4. There are boarders or lodgers ordinarily residing in the prescribed premises. (This item is not required to be completed by a lessee whose prescribed premises are, with the lessor's consent, sub-let in whole or in part in the course of the lessee's business of sub-letting for residential purposes, or by a lessee who or which is a partnership or company.)

And I/We make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

nd declared at this day of 19 before me

of the Peace ure)

Form 3

(Clause 6)

LANDLORD AND TENANT (AMENDMENT) ACT 1948

(Section 31MBA (4))

I, do solemnly and sincerely declare that:

1. The company or corporation registered as is the lessee of prescribed premises situated at

2. The net income of the company or corporation for the last financial year ending 30 June 19 was \$

and declared at this day of 19 before me (Signature)

of the Peace (Name)

Historical notes

Table of amending instruments *Landlord and Tenant Regulation 1994* published in Gazette No 108 of 26.8.1994, p 4932.