



common with the landlord or other persons or the landlord and other persons) where such letting does not include any land other than the site of the dwelling house and garden or other premises within the curtilage Of the dwelling house;

"High Court" means the High Court of Tanganyika;

"landlord" includes, in relation to any premises, any person, other than the tenant, who is or would be, but for the provisions of this Act, entitled to possession of the premises, and any person from time to time deriving title under the original landlord, and any person deemed to be a landlord under section 3-

"let" includes sub-let and any arrangement deemed to be a letting under section 3;

"local authority" means a city council, municipal council, town council, or township authority having jurisdiction in any city, municipality or township in which any premises are situate, and in relation to premises in any area other than a city, a municipality or a township such officer or authority as the Minister may by notice in the *Gazette* declare to be a local authority for the purposes of this Act;

"Minister" means the Minister for the time being responsible for legal affairs;

"premises" means any dwelling house as herein defined to which this Act is applied by subsection (2) of section 1;

"prescribed date" means the first day of July, 1959;

"rent" includes any sum paid as valuable consideration for the occupation of any premises and any sum Paid as rent or hire for the use of furniture or as a service charge where premises are let furnished or where premises are let and furniture therein is hired by the landlord to the tenant or where premises, furnished or unfurnished, are let with services, and also includes any consideration deemed to be rent under section 3;

"rent restriction area" means an area in respect of which a Rent Restriction Board has been established under this Act;

"Service" means in respect of any premises the use of water, light or power, conservancy, sweeper, watchman, telephone or other amenity or facility available to any premises save and except the supplying of meals, and the right of access to any place or accommodation accorded to a tenant by reason of his occupation of the premises;

"service charge" means a charge for any services rendered;

"standard rent" in relation to any premises has the meaning assigned to it by section 4:

Provided that until any determination or assessment of the standard rent is made under section 4 and section 13, the standard rent for the purposes of this Act of any premises existing and let at the commencement of this Act shall be the rent at which the

premises were let on the prescribed date or, where the premises were not let on that date, the rent at which they were last let before that date, or in the case of premises which were first let after the prescribed date, the rent at which they were first let;

"statutory undertaking" and "statutory duties or powers" include respectively any undertaking established and any powers or duties imposed or exercised under any order having the force of law; .

"tenant" includes any person deemed to be a tenant under section 3 and a sub-tenant and any person from time to time deriving title under the original tenant, and the widow of a tenant who, was residing with him at the time of his death, or, where a tenant leaves no widow or is a woman, such member of the tenant's family so residing as may, in default of agreement, be decided upon by a Board, notwithstanding that the rights under the tenancy may have passed on the tenant's death to some other person;

"tenancy" includes sub-tenancy and shall bear a similar construction to that given to the expression "tenant".

(2) The application of this Act to any dwelling house shall not be excluded by reason only that part of the premises is used as a shop or office or for business, trade or professional purposes.

(3) Notwithstanding the provisions of section I I of the Land (Law of Property and Conveyancing) Ordinance, where any agreement or arrangement for valuable consideration between a native and a non-native in occupation of premises would, but for the said provisions, be operative to create a tenancy over such premises in favour of such non-native, the provisions of this Act shall apply in all respects to such agreement or arrangement as if it operated to create a valid tenancy over such premises in favour of such non-native. cap.114

**3.-**(1) Subject to the provisions of subsection (2), where, pursuant to the permission of the owner of any land given in that behalf valuable consideration, any person (hereafter in this section referred to as the licensee) enters on such land and builds thereon and occupies a dwelling house, then, for the purposes of this Act, the licensee shall be deemed to be the tenant of such dwelling house and the owner of such land shall be deemed to be the landlord thereof and the said consideration shall be deemed to be rent, and the provisions of this Act shall, in all respects, apply as if such dwelling house were let by such owner as landlord to the licensee as tenant.

Application  
to licenses  
in certain  
cases

(2) The provisions of this section shall apply only-

- (a) to an area to which the provisions of this section have been applied under the provisions of subsection (3); and
- (b) where the value of the dwelling house occupied by the licensed as aforesaid in such an area does not exceed such amount as may be prescribed.

(3) The Minister may by order published in the *Gazette* declare -that this section shall apply to any rent restriction area and thereupon this section shall apply to that area.

(4) An order made under the provisions of subsection (3) shall be laid before the National Assembly.

(5) For the purposes of subsection (1)-

- (a) "owner" includes any person, other than the licensee, who is or would be, but for the provisions of this section, entitled to possession of the land, and any person from time to time deriving title under the original owner; and
- (b) it shall be immaterial whether the permission given by the owner is express or implied, oral or in writing.

Meaning of  
expression  
"standard  
rent"

**4.-(1)** The expression "standard rent" in relation to any premises means-

- (a) a rent determined by a Board to be the rent at which the premises were let at the prescribed date:  
Provided that-
  - (i) in the case of any premises let under an agreement or lease entered into before the prescribed date in which there is a provision for any increase of rent during the term of the agreement or lease, after the prescribed date the maximum rent payable under such agreement or lease after taking into account all such increases of rent shall be the standard rent;
  - (ii) in the case of any premises let at a progressive rent payable under any agreement or lease entered into before the prescribed date the maximum rent payable under such agreement or lease shall be the standard rent; or
- (b) where the premises were in existence but were not let at the prescribed date and were or are subsequently let, a rent to be assessed by a Board as the rent at which such Premises would reasonably have been let at the prescribed date having regard to the rents at which premises of a similar character in the neighbourhood were let at the prescribed date; or
- (c) where the premises were, or are, erected or substantially reconstructed, and let after the prescribed date, a rent to be assessed by a Board which shall not exceed the total of an amount equal to fourteen per centum of the market cost of such erection or reconstruction at the date of completing such erection or reconstruction, as the case may be, and-
  - (i) an amount equal to-
    - (a) so much of the ground rent paid by the landlord at such date, or any annual equivalent thereof in the case of freehold land; and
    - (b) so much of the rates leviable upon such premises paid by the landlord,
 as may be referable to the premises let to the tenant; and
  - (ii) where the premises were, or are, erected or substantially reconstructed on land held by the landlord under a right of occupancy for or in respect of which the landlord has paid a premium, such proportion of such premium as may be determined by the Board.

For: the purpose of calculating rent under this paragraph, it shall be assumed that the landlord will pay-

- (a) the ground rent (if any) or an annual equivalent thereof in the case of freehold land;
  - (b) the premium for insuring against fire risk;
  - (c)~ the rates leviable upon the premises under any law for the time being in force;
  - (d) any repairs for which he is liable by agreement or custom or under this Act or any other law;
  - (e) such other outgoings as the Board may determine; or
  - (d) in respect of furnished premises, the standard rent which would be applicable to the premises if such premises were let unfurnished plus a sum not exceeding fifteen per centum of the value as determined by a Board of the furniture (exclusive of the soft furnishings, linen, cutlery, kitchen utensils, glassware and crockery, and a sum not exceeding thirty-three and one-third per centum of the value, as determined by the Board, of such soft furnishings, linen, cutlery, kitchen utensils, glassware and crockery, if any.
- (2) Notwithstanding anything contained in the foregoing provisions of this section-
- (a) in the case of any premises in regard to which a Board is satisfied that in the special circumstances of the case it would be fair and reasonable to alter whether by way of increase or reduction the amount of the standard rent as ascertained in accordance with subsection (1), the Board may assess the standard rent of such premises at such figure as the Board shall in all the circumstances of the case consider reasonable;
  - (b) in the case of any premises in regard to which a Board is satisfied that it is not reasonably practicable to obtain sufficient evidence to ascertain the rent at which such premises were let at the prescribed date, or that the rent at the prescribed date was a nominal, fictitious or collusive rent, the Board shall have power to determine the rent at the prescribed date as being of such amount as the Board thinks proper having regard -to the rents at which premises of a similar character in the neighborhood were let at the prescribed date;
  - (c) in the case of any premises which were let at the prescribed date in, circumstances in which the rent could have, been increased under subsections (IA)- or (IB) of section 4 of the Rent Restriction Ordinance which expired on the thirty-first day of December, 1960, by a Rent Restriction Board established or deemed to have been established under section 5 of that Ordinance but where the rent of such premises had not at the prescribed date been so increased, the Board may "assess the standard rent of such premises as the rent at which the premises were let at the prescribed date plus the amount by which such rent could have been increased under the provisions aforesaid.

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For the purposes of paragraph (a), "special circumstances" shall include but shall not be restricted to-

- (i) the temporary nature of the construction of the premises concerned or the temporary nature of the lease or licence under which the land on which the premises are situate is held, or the fact that the premises can be expected to be let only during a certain period of the year, as a result of which foregoing factors the standard rent as defined in subsection (1) would yield an uneconomic return to the landlord;
- (ii) any change in the size or character of the premises, or any expenditure incurred by the landlord on substantial improvements or structural alterations to the premises, other than for ordinary or necessary repairs, or on substantial improvements made to any land on which the premises are erected or to any roadway adjacent to such land other than for necessary maintenance and drainage, or in providing a suitable water supply or sewerage system or the extension of such a water supply or sewerage system from which the tenant derives benefit;
- (iii) any case where the rates payable by the landlord at any time are less than the rates which were payable by the landlord at the time when the premises were let to the tenant.

(3) A Board shall have power on the application of a landlord or a tenant or of its own motion to give further consideration on fresh evidence to the amount of the standard rent of any premises, and to make a further determination or assessment in accordance with subsection (1) or (2).

(4) A Board may fix any date, not being earlier than the prescribed date, as the date at which a standard rent is to have effect in relation to any premises.

(5) A Board may, on the application of a tenant, reduce the standard rent of the premises if the tenant satisfies the Board that the landlord has failed to carry out such repairs and maintenance to the premises as he is obliged to do either by agreement or custom or under the provisions of section 29:

Provided that the landlord may apply to the Board for the full standard rent to be restored so soon as he has carried out the necessary repairs or maintenance.

(6) Where by virtue of any determination, assessment or reduction under subsection (2), (3) or (5), the standard rent of any premises has been affected, the new standard rent shall be deemed for the purposes of this Act from any date at which it is fixed to have effect and for so long as it remains in effect, to be the standard rent of such premises,

Establishment of Boards

**5.** The Minister may, by notice in the *Gazette*, establish for the purposes of this Act a Rent Restriction Board for any area of Tanganyika and each such Board shall exercise and perform within the said area the powers and duties conferred or imposed on such a Board by the provisions of this Act.

Constitution of Board

**6.-(1)** A Board shall consist of a chairman and such other members as the Minister may, by notice in the *Gazette*, from time to time appoint. The Minister may if he thinks fit appoint the same person to be chairman of more than one Board.

(2) The Minister may appoint, either generally or for any particular period, a deputy, chairman, who need not be a member of the Board, to act as chairman of such Board in the absence or inability to act of the chairman. In the absence of the chairman and the deputy chairman from any meeting, the members may elect one of their number to act as chairman at that meeting. Three members shall constitute a quorum at any meeting of a Board.

(3) All matters considered by a Board shall, in the event of a difference of opinion, be decided by the votes of a majority of the chairman and members present at any meeting, and, in the event of an equality of votes, the chairman of the meeting shall have a casting vote in addition to his deliberative vote.

**7.-**(1) A Board shall, in relation to the area for which it is established, have power to do all things which it is required or empowered to do by or under the provisions of this Act, and without prejudice to the generality of the foregoing shall have power-

Powers of  
Boards

- (a) to determine whether or not any premises whatsoever are premises to which this Act applies;
- (b) to determine or assess from time to time the standard rent of any premises either on the application of any person interested or of its own motion;
- (c) to determine any questions as to any increase or decrease or purported increase or decrease of the standard rent of any premises,
- (d) to fix a date, not being earlier than the prescribed date, from which a standard rent is to have effect in relation to any premises,
- (e) to apportion the rent or standard rent of any premises at any date in relation to which the standard rent of any premises is to be determined or assessed;
- (f) to apportion payment of the rent of premises among tenants sharing the occupation thereof,
- (g) where the rent chargeable in respect of any premises includes a payment by way of service charge, to fix the amount of such service charge;
- (h) to make orders, upon such terms and conditions as it shall think fit, for the recovery of possession and for the payment of arrears of rent and means profits, which orders may be applicable to any person, whether or not he is a tenant, being at any material time in occupation of any premises;
- (i) to approve lettings, sub-lettings, or assignments of premises and any prospective tenants, sub-tenants, or assignees;
- (j) for the purpose of enabling additional buildings to be erected, to make orders permitting landlords to excise vacant land out of premises of which, but for the provisions of this Act, the landlord could have recovered possession, where such a course is in the opinion of the Board desirable in the public interest;

- (k) (i) to allocate to any suitable tenant, at such rent as the Board may fix, any house or portion thereof which without good cause has been left unoccupied for a period exceeding one month and, if any house is in an unfinished condition, to cause such house to be finished in all respects and rendered fit for habitation;
  - (ii) to recover the cost of finishing any such house as in subparagraph (i) aforesaid and rendering it fit for habitation either from the owner thereof or by directing the tenant to whom the house has been allotted to pay rent therefor to the Board until such cost is satisfied, and the tenant shall be bound to pay such rent accordingly, and the receipt of the Board shall be a good discharge for any rent so paid;
  - (l) where the landlord fails to carry out any repairs for which he is liable-
    - (i) to have required repairs carried out at the cost of the landlord and, if the landlord fails to pay the cost of such repairs, to recover the cost thereof by requiring the tenant to pay rent to the Board for such period as may be required to defray the cost of such repairs, and so that the receipt of the Board shall be a good discharge for any rent so paid; or
    - (ii) to authorize the tenant to carry out the required repairs, and to deduct the cost of such repairs from the rent payable to the landlord;
  - (m) to permit the levy of distress for rent;
  - (n) to allow any increase of the standard rent of any premises which a Board is empowered to allow under the provisions of this Act;
  - (o) to reduce the standard rent of any premises in any case where under the provisions of this Act a Board is empowered to make such reduction and to restore the standard rent of any premises after any reduction so made;
  - (p) to determine the date of letting of any premises or the date of the completion of the erection or substantial reconstruction of any premises, and to determine whether any reconstruction of any premises is or is not substantial reconstruction of such premises for the purposes of this Act;
  - (q) to impose conditions in any order made under the provisions of this section;
  - (r) to vary or rescind any order made under the provisions of this section;
  - (s) in any case where difficult questions of law or fact are likely to arise, as to which the decision of the Board shall be final, to grant leave to a landlord to bring proceedings in the court for the recovery of possession of premises, the payment of arrears of rent or permission to levy distress;
  - (t) to exercise jurisdiction in all civil matters on questions arising out of this Act.
- (2) A Board may appoint and employ officers, valuers, inspectors, clerks and other staff for the better carrying out of the provisions of this Act: -



Provided that where a Board has deputed a valuer, inspector, officer or other person to inspect or view any premises, any report made in that behalf shall be communicated to the landlord or tenant or their representatives.

(3) In respect of premises whereof the standard rent does not exceed twenty-five shillings a month, a Board may delegate all or any of its powers under this Act to an administrative officer or any other person authorized by such Board in that behalf. For the purposes of this subsection, a person occupying such premises in consideration of payment of rent shall be deemed to be a tenant of the person to whom such rent is paid for the purposes of this Act, notwithstanding that he shares the accommodation in such premises with any other person or persons.

(4) A Board shall not have or exercise any jurisdiction in any criminal matter or entertain any criminal proceedings for any offence whether against this Act or otherwise.

**8.**-(1) In addition to any other powers specifically conferred on it by this Act, a Board may investigate any complaint relating to the tenancy of premises made to it either by a tenant or landlord of such premises.

Investigation  
of  
complaints

(2) Any tenant or any landlord making any such complaint to the Board shall pay such fee as may be prescribed.

(3) Nothing in this section or in the other provisions of this Act shall be deemed to preclude a Board from taking cognizance of any infringement or alleged infringement of this Act or of any dispute or matter likely to lead to a dispute between a tenant and a landlord, although such tenant or such landlord has not made a complaint to a Board under the provisions of this Act.

(4) Where a complaint has been made against a tenant or against a landlord, or against the agent or servant of either of them, or where the Board has taken cognizance of any dispute, or of any facts which are likely to lead to a dispute between a landlord and a tenant, the Board may order the parties or the landlord or tenant as the case may be, to appear before the Board at a time and place specified in such order for the purpose of investigating such complaint or dispute.

(5) Where the Board investigates any complaint under this section, the Board may make such order in the matter as the justice of the case may require. Any person aggrieved by an order of the Board under this subsection may appeal in the same manner and to the same court as is provided by section 11.

**9.** (1) A Board or any person authorized by a Board shall have power at all reasonable times to enter and inspect any premises for the purpose of carrying out any of the powers, duties or functions of a Board under the provisions of this Act.

Proceedings  
of a Boards

(2) A Board shall have power to order persons to attend and give evidence, to administer oaths and to order the discovery and production of documents in like manner as in proceedings before the High Court.

(3) In its determination of any matter, a Board may take into consideration any evidence which it considers relevant to the subject of the inquiry before it, notwithstanding that such evidence would not be admissible under the law relating to evidence.

(4) A Board shall have power to award the costs of any proceeding before it and to direct that costs shall be taxed upon any prescribed scale or to award a specific sum as costs.

(5) In so far as no or no sufficient provision is made by regulations under section 39, a Board may regulate its own procedure.

(6) All notices or other documents issued under the hand of the chairman of a Board shall be deemed to be issued by the Board.

(7) The proceedings of a Board shall ordinarily be open to the public, but the Board may in its discretion direct that the public be excluded from any meeting or part thereof.

(8) Minutes shall be kept of all proceedings of a Board including a summary of any oral evidence given.

(9) Any interested party may be represented before the Board by an advocate, or by any other person whom the Board may in its discretion admit to be heard on his behalf.

(10) The proceedings of a Board shall be deemed to be judicial proceedings.

Board  
to keep  
register

**10.-(1)** Every Board shall prepare and keep up to date a register of orders and decisions of such Board and shall make such register available for inspection and the making of extracts on payment of a prescribed fee in such convenient place as the Board may determine.

(2) Every such register shall contain the following particulars in respect of premises which have formed the subject matter of any order or decision of the Board:-

- (a) a description of the said premises,
- (b) the names of the landlord and tenant of the said premises, and, so far as may be necessary or ascertainable, of any premises in which the said premises are comprised or which are comprised in the said premises,
- (c) the standard rent of the said premises, and so far as the same may be necessary or ascertainable, of any premises in which the said premises are comprised or which are comprised in the said premises;
- (d) any particulars available to the Board of the tenancy of the said premises, and so far as the same may be necessary or ascertainable, of any premises in which the said premises, are comprised, or which are comprised in the said premises;
- (e) any other particulars that may be prescribed.

(3) A copy of an entry in the said register certified by any person duly authorized in that behalf by a Board shall be receivable without further proof as evidence of that entry and the truth of the contents thereof in all courts and in any proceedings.

(4) Any person requiring such a certified copy as aforesaid shall be entitled to obtain it on payment of a prescribed fee.

Appeals

**II.-(1)** Except as hereinafter provided, where any question is, under the provisions of this Act, to be decided or determined by a Board, the decision or determination by such Board shall be final and conclusive:

Provided that an appeal from any order, decision or determination of a Board shall lie to the High Court upon any point of law or of mixed fact and law.

(2) On any such appeal as in subsection (1) aforesaid, the High Court may make such order as it thinks proper including any directions as to the costs of any proceedings before the Board, but such costs and the costs in the High Court shall not exceed such scale as may be prescribed.

(3) The chairman of a Board shall be entitled to be heard on any such appeal, but no order as to costs shall be made against him personally.

(4) The Chief Justice may make rules governing any such appeals to the High Court and providing for the taking of further evidence, the fees to be paid, the scale of costs of any such appeal, the procedure to be followed and the manner of notifying a Board or the parties of an appeal, and until any such rules are made and subject to any such rules when made the provisions of the Indian Code of Civil Procedure shall apply as if the order, decision or determination of the Board was a decree of a court exercising original jurisdiction.

**12.** Any person who fails to comply with or observe any lawful order or decision of any Board after the expiration of the time allowed for an appeal therefrom, or if an appeal has been filed, after such order or decision has been upheld, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Failure to  
comply with  
or observe  
order or  
decision of  
Boards

**13.** (1) It shall be the duty of the landlord of any premises which are let for the first time after the commencement of this Act to apply by before such letting to have the standard rent of such premises determined or assessed for the purposes of this Act by a Board.

Applications  
by landlord  
and tenant  
in regard to  
standard  
rent

(2) The landlord or tenant of any premises which are let at or have been let before the commencement of this Act may apply to have the standard rent of such premises determined or assessed for the purposes of this Act by a Board.

(3) The landlord or tenant of any premises may before any letting, sub-letting, assignment or transfer of possession of the said premises apply to a Board for approval to be given of the terms of such proposed letting, sub-letting, assignment or transfer, as the case may be, and of any prospective tenant, sub-tenant, assignee or transferee.

(4) Any landlord to whom subsection (1) applies who fails to apply to a Board in accordance with that subsection to have the standard rent of any premises determined or assessed shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

**14.** Subject to the provisions of this Act, where the rent of any premises has been, since the fourteenth day of February, 1962, or is after the commencement of this Act, increased, then, if the increased rent exceeds the standard rent by more than the amount, if any, permitted under this Act, the amount of such excess shall, notwithstanding any agreement to the contrary, be irrecoverable.

Certain  
increases of  
rent  
irrecoverable

Penalty for accepting excess rent or advance of rent

**15.** Where, after the commencement of this Act, the landlord of any premises, or any agent, clerk or other person employed by him, accepts any rent in respect of such premises which exceeds the standard rent thereof by more than any amount permitted under this Act, or, without the previous consent in writing of the Board, accepts an advance of rent exceeding two months standard rent, then, without prejudice to any other remedy under this Act, such landlord, agent, clerk, or other person shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding four thousand shillings or to imprisonment not exceeding six months or to both such fine and imprisonment; and without prejudice to any other method of recovery thereof, the court by which he is convicted may order that the rent or advance so far as it exceeds the amount permitted under this Act shall be irrecoverable, and that the amount of any such excess shall be repaid to the tenant.

Permitted increases in rent

**16.-(1)** The amount by which the increased rent of any premises may exceed the standard rent shall, subject to the provisions of this Act, be as follows: -

- (a) (i) in the case of premises upon which rates payable by the landlord have been increased since the premises were let to the tenant, by such amount of any such increase as is from time to time paid by the landlord; or
- (ii) in the case of premises upon which rates payable by the landlord have become payable since the premises were let to the tenant, by such amount of any such rates as is from time to time paid by the landlord;
- (b) in the case of any premises or class of premises in any rent restriction area the rent whereof the Minister considers may for any reason justifiably be increased, an increase of such amount and subject to such conditions or limitations, if any, as the Minister may by notice in the *Gazette* prescribe.

(2) Any transfer to a tenant of any burden or liability previously borne by the landlord shall, for the purposes of this Act, be treated as an alteration of rent, and where, as the result of such a transfer, the terms on which any premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased; but any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms on which any premises are held are on the whole not less favourable to the tenant than the previous terms, shall be deemed not to be an increase of rent for the purposes of this Act:

Provided that, for the purposes of this section, the rent shall not be deemed to be increased where the liability for rates is transferred from the landlord to the tenant, if a corresponding reduction is made in the rent.

(3) Any question arising under subsection (2) shall, on the application either of the landlord or the tenant, be determined by a Board.

Limitation as to permitted increases in rent

**17.-(1)** Nothing in this Act shall be taken to authorize any increase of rent except in respect of a period during which but for this Act the landlord would be entitled to obtain possession.

(2) Notwithstanding any agreement to the contrary, where the rent of any premises is increased, no such increase shall be due or recoverable until or in respect of any period prior to the following unless-

- (a) in the case of any increase permitted under paragraph (a) of subsection (1) of section 16, a date one clear week after the service of notice in writing by the landlord upon the tenant of his intention to increase the rent;
- (b) in the case of any increase permitted under paragraph (b) of subsection (1) of section 16, a date four clear weeks after the service of a notice in writing by the landlord upon the tenant of his intention to increase the rent.

(3) Where a notice of an increase of rent has been served on any tenant, the increase may be continued without service of any fresh notice on any subsequent tenant.

(4) A notice served before the commencement of this Act of an intention to make any increase of rent which is permissible only under this Act shall not be a valid notice for the purposes of this section.

(5) If any notice served or Purporting to be served under the provisions of this section contains any statement or representation which is false or misleading in any material respect, the landlord shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding four hundred shillings, unless he proves that the statement was made innocently and without intent to deceive.

**18.** Where application is made to the Board by a landlord under the provisions of this Act for increase or determination or assessment of the standard rent of any premises and a notice to terminate the tenancy is necessary in order to make any increase granted by the Board effective, a notice of such application made in the prescribed form and duly served on the tenant shall have effect and shall be deemed always to have had effect as if it were or had been also a notice to terminate the existing tenancy on the earliest day, after the service of notice of such application, on which, if it had been a notice to terminate the tenancy, it would have been effective for that purpose.

Notices  
under the  
Act effective  
as notices  
to quit

**19.**-(1) No order for the recovery of possession of any premises to which this Act applies, or for the ejection of a tenant therefrom shall be made by the court or any Board, and no permission to bring proceedings therefor shall be granted by any Board unless-

Restriction  
on right to  
possession

- (a) any rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy (whether under the agreement of tenancy or under this Act) so far as the same is consistent with the provisions of this Act has been broken or not performed; or
- (b) the tenant, or any person residing with him or any assignee, sub-tenant or licensee of the tenant has been guilty of conduct which is a nuisance or annoyance to 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 a Board or the court, as the case may be, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any such person; or

- (c) the tenant has given notice to quit, and in consequence of that notice the landlord has contracted to sell or let the premises or has taken any other steps as a result of which he would, in the opinion of a Board or the court, as the case may be, be seriously prejudiced if he could not obtain possession; or
- (d) a Board or the court, as the case may be, is satisfied that the tenant has sub-let the whole or any part of the premises for a rent in excess of the rent recoverable under the provisions of this Act; or
- (e) the premises are reasonably required by the landlord for occupation as a residence for himself or for his wife or children, or for any person bona fide residing, or to reside with him, or for some person in his whole time employment or in the whole time employment of some tenant from him or for the occupation of the person who is entitled to the enjoyment of the premises under a will or settlement, and (except as otherwise provided by this section) a Board or the court, as the case may be, is satisfied that alternative accommodation, reasonably equivalent, is available or will be available at the time that the order takes effect, or that the tenant has built or owns premises suitable for his own accommodation which is available to him or would be so available but for his own act in disposing of the same:

Provided that if within three months next after the date upon which the landlord obtains under the provisions of this paragraph vacant possession of the premises he does not effectively occupy the same he shall give to the tenant who under the provisions of this paragraph was required to give up possession of such premises the first option to lease and take possession thereof. If any landlord fails to give such option or to give up possession to the tenant accepting such possession he shall be guilty of an offence and shall be liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment; or

- (f) the premises are reasonably required for the purposes of the execution of the statutory duties or powers of a local authority or statutory undertaking, or for any purpose which, in the opinion of a Board or the court, as the case may be, is in the public interest, in which case the Board or the court, as the case may be, may include in any ejection order for such purpose an order requiring any landlord or other person to grant to the tenant a new tenancy of any new, reconstructed or rebuilt premises or part thereof on such terms as may be reasonably equivalent to the old tenancy and fixing a date for the completion of such premises and for their occupation by the tenant and imposing such reasonable conditions as the Board or the court may think necessary:

Provided that the Board or the court, as the case may be, shall first be satisfied that the execution of the statutory duties or powers of the local authority or statutory undertaking or the purpose for which the premises are required will permit any order included as aforesaid to be effectively carried out and that the public interest will not be adversely affected thereby.

A certified copy of any such last mentioned order shall for the purposes of the Land Registration Ordinance, where the land

concerned is registered land, and for the purposes of the Registration of Documents Ordinance in all other cases, be registrable as a deed or document creating an interest in land and, when registered, shall be binding on subsequent purchasers of the land concerned; or

- (g) the tenant has, without the consent of the landlord, or the consent or approval of a Board, assigned, sub-let or transferred the possession of the premises or any part thereof -

For the purposes of this paragraph, if the tenant is a private limited company or partnership the transfer, without the consent of the landlord, of more than fifty per centum of the share capital of the company or the interest of the partners in the partnership shall be deemed to be an assignment of the premises; or

- (h) the landlord is the owner of premises which he has previously occupied as a residence for himself and reasonably requires such premises for occupation as a residence for himself or for his wife or children, and has complied with the terms relating to the giving of notice contained in any agreement or lease into which he has entered with the tenant in respect of such premises, or, in the absence of any such lease, has given the tenant one month's notice to quit:

Provided that if, within twelve months next after the date upon which the landlord obtains under the provisions of this paragraph vacant possession of such premises, he wishes again to let such premises (whether for a consideration or without consideration) he shall give to the tenant who, under the provisions of this paragraph, was required to give up possession of the premises, the first option to lease and take possession thereof. If any landlord fails to give such option, or to give up possession to the tenant accepting such option, he shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment; or

- (i) the landlord requires possession of the premises to enable the reconstruction or rebuilding thereof to be carried out, in which case a Board or the court, as the case may be, may include in any ejectment order for such purpose an order requiring the landlord to grant to the tenant a new tenancy of the reconstructed or rebuilt premises or part thereof on such terms as may be reasonably equivalent to the old tenancy, and fixing a date for the completion of the new building and for its occupation by the tenant and imposing such reasonable conditions as the Board or the court may think necessary.

A certified copy of any such order shall, for the purposes of the Land Registration Ordinance, where the land concerned is registered land, and for the purposes of the Registration of Documents Ordinance in all other cases, be registrable as a deed or document creating an interest in land and, when registered, shall be binding on subsequent purchasers of the land concerned; or

- (j) (i) the landlord has, with the consent of the Board, let the premises for a definite period; or

- (ii) the tenancy is for a term certain, and the landlord requires the premises at the expiry of the said tenancy for his own occupation or for the occupation of his wife or children or for some person in his whole time employment; or
- (k) the condition or location of the premises or the number of persons accommodated therein is such that in the opinion of a Board or the court, as the case may be, the premises are overcrowded or constitute, for any reason, a danger to the said premises or to the neighbours; or
- (l) the tenant uses the premises mainly for business, trade or professional purposes without the consent of the landlord; or
- (m) a local authority has approved a scheme of re-development of the site on which the premises stand and such scheme involves demolition of the premises and the tenant has been given such notice to quit as a Board shall consider reasonable and is sufficient to enable the landlord to comply with any demolition order:

Provided that when any tenant has quitted the property under a notice to quit or an order of a court given or made under the provisions of this paragraph and the landlord occupies or permits any other person to occupy the property prior to its demolition he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding fifty shillings for each day on which the property is so occupied;
- (n) the landlord requires possession of the premises for purposes of re-development otherwise than as a dwelling house and the Minister has certified that such re-development is in the public interest.

(2) In any case arising under subsection (1), no order for the recovery of possession of premises or for permission to bring proceedings therefor shall be made unless the Board or the court, as the case may be, considers it reasonable to make such an order.

(3) The existence of alternative accommodation shall not be a condition of the making of an order on any of the grounds specified in paragraph (e) of subsection (1)-

- (i) where the tenant was in the employment of the landlord or a former landlord, and the premises were let to him in consequence of that employment and he has ceased to be in that employment; or
- (ii) where the landlord gave up the occupation of the premises for the purpose of taking leave outside Tanganyika and specifically entered into an agreement with the tenant to lease the premises to him for a fixed period not exceeding one year and the landlord wishes himself to re-occupy the premises immediately upon the termination of the agreement, but save as aforesaid the provisions of the said paragraph (e) shall be applicable.

(4) Nothing in paragraph (e) or paragraph (h) of subsection (1) shall be deemed to permit a landlord to recover possession of a dwelling house if by such recovery he or his wife and minor children would be in occupation of more than one dwelling house at the same time.



(5) At the time of the application for the making of any order for the recovery of possession of any premises, or for the ejection of a tenant therefrom, or for the granting or permission to bring proceedings therefor or, in the case of any such order which has been made, whether before or after the passing of this Act, and not executed, at any subsequent time, a Board or the court, as the case may be, at any time before the filing of the order in court, or the court making or executing the order, as the case may be, may adjourn the application, or stay or suspend execution on any such order, or postpone the date of possession for such period or periods as it thinks fit, and, subject to such conditions (if any) in regard to payment by the tenant of arrears of rent, and otherwise as the Board or the court thinks fit, and, if such conditions are complied with, the Board or the court, as the case may be, may if it thinks fit, discharge or rescind any such order.

(6) An order against a tenant for the recovery of possession of any premises or ejection therefrom under the provisions of this section shall not affect the right of any sub-tenant, to whom the premises or any part thereof have been lawfully sub-let before proceedings for recovery of possession or ejection were commenced, to retain possession under the provisions of this section, or be in any way operative against any such sub-tenant but such sub-tenant shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms as he would have held from the tenant if the tenancy had continued.

(7) Where a landlord has obtained an order or permission under this section on the ground that he requires any premises for his own occupation, and it is subsequently made to appear to a Board or the court, as the case may be, that the order or permission was obtained by misrepresentation or the concealment of material facts, the Board or the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by such tenant as the result of the order or permission. Without prejudice to the foregoing provisions of this subsection, a landlord who has obtained such an order or permission by misrepresentation or concealment of material facts shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(8) Any person who contravenes or fails to comply with any order made under subsection (1) shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(9) Where a landlord has obtained an order or permission under this section on the ground that the premises are required for the purpose of being repaired, improved or rebuilt and has given an undertaking that the tenant will be given an opportunity of renewing his tenancy after completion of the repairs, improvements or alterations, and it is subsequently made to appear to the Board or the court, as the case may be, who made the order that the landlord has failed to carry out such undertaking the Board or the court may order the landlord to reinstate the tenant or to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant

as the result of the failure on the part of the landlord to carry out such undertaking. A landlord Who has obtained such order or permission by misrepresentation or concealment of material facts shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to, both such fine and imprisonment

(10) In granting an order or permission under this section on the ground that the landlord requires the premises as a residence for himself or for any member of his family or for some person residing with him or in his employment, a Board or the court may require the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant, and such order shall not be given effect to unless such sum be paid.

(11) For the purposes of paragraph (n) of subsection (1), a certificate purporting to be signed by the Minister that the re-development to which the certificate relates is in the public interest shall be admissible in evidence before the court or a Board, as the case may be, without further proof -

Restriction  
on levy of  
distress for  
rent

**20.** No distress for rent of any premises shall be levied except with the leave of a Board or the court and the Board or the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension, postponement or otherwise as are conferred by subsection (5) of section 19 in respect of an application for recovery of possession.

Restriction  
on premiums

**21.**-(1) No person shall as a condition express or implied of the grant, assignment, renewal or continuance of a tenancy, lease, sub-lease, sub-letting or occupation of any premises, require the payment of Or take or give any fine, premium or other like sum, or any pecuniary consideration, in addition to the rent; and where any such payment or consideration so required or taken as aforesaid has been made or given to any person or under any agreement whatsoever, whether relating to such grant, assignment, renewal or continuance, or to any other matter, made after the fourteenth day of February, 1962, the amount or value thereof shall be recoverable by the person by whom it was made or given.

(2) When the purchase of any furniture or other articles, or the acquisition of any right or benefit, or the incurring of any liability, is required in consideration of the grant, assignment, renewal or continuance of a tenancy, lease, sub-lease, sub-letting or occupation of any premises, the requirement made shall, at the request of the person upon whom it is made, be stated in writing and if the price of the articles or the pecuniary value which in the opinion of a Board is sought to be attributed to such right, benefit or liability exceeds the reasonable price of the articles or the reasonable pecuniary value of the right or benefit to be acquired or the liability to be incurred the excess shall be treated as if it were a pecuniary consideration required to be paid as a condition of the grant, assignment, renewal or continuance as aforesaid and the provisions of this section, including the penal provisions, shall apply accordingly:

Provided that any question arising as to whether such price exceeds the reasonable price or such pecuniary value exceeds the reasonable pecuniary value shall, on the application of the tenant, be determined

by a Board and no proceedings shall be taken under subsection (3) in respect of any such excess unless and until such determination has been made.

(3) Any person requiring, taking or giving any payment or consideration in contravention of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding ten thousand shillings, or to both such fine and imprisonment, and the court by which he is convicted may order the amount paid or the value of the consideration to be repaid to the person by whom the same was paid or given, but such order shall be without prejudice to any other method of recovery prescribed by this Act.

**22.** Where any person lets or has let any premises, furnished or unfurnished, at a rent which includes payment in respect of a service charge, the maximum rent which may be charged shall be the standard rent applicable to the premises, furnished or unfurnished, as the case may be, and if any service is included, such service charge as may be permitted by a Board and any rent or charge levied in excess of such standard rent and permitted charge shall, notwithstanding any agreement to the contrary, be irrecoverable from the tenant, and if already paid shall be recoverable by the person by whom it was paid.

Limitation  
or rent of  
premises let  
with services,  
etc.

**23.**-(1) A landlord of any premises shall, on being so requested in writing by a Board or the tenant of the Premises, supply to the Board and to the, tenant a statement in writing as to the amount of the standard rent of the premises and if, without reasonable excuse, he fails within fourteen days to do so, or supplies a statement which is false in any material particular, he shall be guilty Of an offence and shall be liable upon conviction to a fine not exceeding two thousand shillings or to imprisonment for two months or to both such fine and imprisonment:

Statement  
to be  
supplied as  
to standard  
rent

Provided that this subsection shall only apply in cases where the standard rent has been determined or assessed under this Art by a Board.

(2) The expression "landlord" in subsection (1) of this section shall include, any agent, clerk or other person employed by the landlord, and if any such agent, clerk or other person fails to supply the Board or the tenant with a statement in writing as to the amount of the standard rent of the premises in accordance with the provisions of this section, the landlord shall be answerable for such omission, and the landlord and the agent, clerk or other person shall be jointly and severally liable to the penalty provided by subsection (1).

**24.**-(1) Where any sum has since the fourteenth day of February, 1962, been paid on account of any rent which is, or any amount which is, under the provisions of this Act, irrecoverable by the landlord or other person, the sum so paid shall be recoverable from the landlord or other person or from his legal personal representative by the tenant or other person by whom it was paid, and any sum which, under the provisions of this Act, is recoverable by a tenant from a landlord or payable or repayable by a landlord to a tenant, may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord

Recovery of  
sums made  
irrecoverable

(2) if-

- (a) any, person in any, rent book or other document makes an entry showing or purporting to show any tenant as being in arrear in respect of any sum which under 'the Provisions of this Act is irrecoverable; or
- (b) where any such entry has been made by or on behalf of any landlord, and the landlord on being requested by or on behalf of the tenant so to do refuses or neglects to cause the entry to be deleted.. within seven days,

then that person or landlord shall be guilty of an offence and shall on conviction by the court, be liable to a fine not exceeding four hundred shillings unless he proves that at the time of the making of the entry or the neglect or refusal to cause it to be deleted, the landlord had a bona fide claim that such sum was recoverable.

(3) Any sum paid by a tenant or other person, which under subsection (1) is recoverable by him, shall be recoverable at any time within two years from the date of the payment thereof.

... (4) Nothing in this section shall revive any claim which was barred by limitation at the commencement of this Act.

Failure to  
supply rent  
book and  
penalty for  
false entry

**25.-**(1) If a landlord or any person on his behalf fails to supply his tenant with a rent book on demand or fails to enter Or to cause to be entered therein the standard rent, or any payment on account of rent. or makes therein any false or incorrect entry, or fails to sign or cause to be signed any entry therein, the landlord or such person shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding four hundred shillings, unless he proves that he acted innocently and without intent to deceive.

(2) A Board in its discretion may order a landlord or any person acting on his behalf to supply the tenant of such landlord with a rent book, or may order such landlord or person to enter or cause to be entered in such rent book the standard rent of any premises and all payments on account of rent therefor and to sign such entry and any person who fails to Comply with an order of the Board made under this subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment. ,

Conditions  
of statutory  
tenancy

**26.-**(1) A tenant who, under the provisions 'of this Act, retains possession of any premises shall, so long as he retains possession, observe and be entitled . to the benefit of all the terms and conditions of the original contract of tenancy so far as the same are consistent with the, provisions of this Act, and shall be entitled to give lip possession of the premises only on giving such notice as would have been required under the original contract of tenancy, or, if no notice would have been so required, then, notwithstanding any provision to the contrary in any written law on giving not less than one month's notice

Provided that notwithstanding g anything in the contract Of tenancy, a landlord who Obtains: an order for the recovery of Possession Of any premises or for the ejection of a tenant retaining possession as aforesaid shall not be required to give any notice to quit to the tenant.

(2) Any tenant retaining possession as aforesaid shall not, as a condition of giving up possession, ask for or receive payment of any sum, or any other consideration, from the landlord or any other tenant who asks or receives any such sum or consideration shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for two months or to both such fine and imprisonment and the court by which he was convicted may order any such payment or the value of such consideration to be returned to the person by whom the same was given, and any such order shall be in lieu of any other method of recovery.

(3) Where the interest of a tenant of any premises is determined, either as the result of an order for possession or ejection or for any other reason, any sub-tenant to whom the premises or any Part thereof have been lawfully sub-let shall, subject to the provisions of this Act be deemed to become the tenant of the landlord on the same terms as he would have held from the tenant if the tenancy had continued.

**27.**-(1) No landlord shall deprive or attempt to deprive a tenant of any service without the consent of a Board.

Penalty for depriving tenant of service

(2) Any landlord who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

**28.** Where, for the purpose of determining or assessing the standard rent, a valuation of premises has been made by a Board, a landlord or tenant or their representatives shall be entitled to receive written notification from a Board that the details of such valuation are available for their information and that before the standard rent is determined or assessed, they may, if they wish, appear before the Board on a date to be specified in the notification and object to the valuation.

Notification of valuation

**29.**-(1) For the purposes of this Act it shall be deemed to be the obligation of the landlord of any premises to keep and maintain the premises in a state of good structural repair and in a condition suitable for human habitation (which state and condition is hereafter in this section referred to as "a proper state of repair") and it shall be deemed to be the obligation of the tenant of any premises to maintain the premises in the same state, fair wear and tear and damage arising from irresistible force excepted, in which the Premises were at the commencement of the tenancy.

Repairs

(2) Where a local authority is satisfied that any premises are not in a proper state of repair, it shall be the duty of the authority upon payment of a fee of one shilling or other prescribed fee to issue a certificate to that effect if application for such a certificate is made by the tenant of

(3) Where, after the issue of any such certificate, the landlord has executed to the satisfaction of the local authority the repairs which require to be executed in order to put the premises into a proper state of repair, the authority shall, on the application of the landlord and upon payments of a fee of one shilling or other prescribed fee issue a report to that effect.

(4) An instrument purporting to be a certificate of the local authority and to be signed by an officer of the authority shall, without further proof, be taken to be a certificate of the authority unless the contrary is proved.

Restriction  
on right to  
assign or  
sub-let  
premises

**30.** Notwithstanding the absence of any covenant against the assigning or sub-letting of any premises, no tenant shall have the right to assign, sub-let or transfer the possession of such premises or any part thereof except with the consent of the landlord or, where such consent shall be unreasonably withheld, with the consent of a Board.

Sub-letting  
by tenant

**31.**-(1) Notwithstanding anything contained in this Act, the tenant of any premises may-

- (a) with the consent in writing of the landlord (which consent shall not be unreasonably withheld) and with the consent of a Board; or
- (b) in any case where, in the opinion of a Board, the consent of the landlord has been unreasonably withheld, with the consent of a Board alone,

sub-let for a period of not more than six months (which period may with the consent of a Board be extended for a further period of six months) any premises of which the tenant is in personal occupation; and upon the expiration of the period for which such premises have been sub-let, the tenant shall be entitled to resume personal occupation of the premises.

(2) Any sub-tenant to whom subsection (1) applies who fails, without the consent of the tenant, to give the tenant vacant possession of the premises upon the due date shall be liable to pay to the tenant on demand in writing by the tenant a sum of one hundred shillings in respect of each day on which he continues to occupy the premises adversely to the tenant; and any such sum may be recovered by the tenant as a civil debt.

(3) Notwithstanding anything contained in this Act, the landlord of any premises in personal occupation of such premises may, with the consent of a Board, let the premises for a period of not more than twelve months, and upon the expiration of the period for which such premises have been let, the landlord shall be entitled to resume personal occupation thereof.

(4) Any tenant to whom subsection (3) applies, who fails, unless excused by the landlord, to give to the landlord vacant possession of the premises upon the due date, shall be liable to pay to the landlord on demand in writing a sum of one hundred shillings in respect of each day on which he continues to occupy the premises adversely to the landlord, and any such sum may be recovered by the landlord as a civil debt.

(5) If, at the date of expiry of the period specified in subsection (1), the tenant has not re-entered into personal occupation of the premises, the person in occupation thereof shall be deemed to be the tenant of the landlord from the date of expiry of the specified period and, from such date, the landlord shall have against such occupant all the rights and remedies which he would have against his own tenant, and, in addition, the rights and remedies which the tenant would have against a sub-tenant under subsections (1) and (2).

**32.** Any landlord or his agent or servant who wilfully subjects a tenant to any annoyance with the intention of compelling the tenant to vacate the premises, or to pay, directly or indirectly, a higher rent for the premises shall be guilty of an offence and shall be liable on conviction by the court to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

Penalty for  
subjecting  
tenant to  
annoyance

**33.**-(1) The court shall have jurisdiction to deal with any offence under this Act and with any proceedings for recovery of possession or arrears of rent or permission to levy distress affecting premises to which this Act applies for the bringing of which in the court leave has been granted by a Board in accordance with paragraph (s) of subsection (1) of section 7, notwithstanding that by reason of the amount of penalty, claim or otherwise the case would not but for this provision be within the jurisdiction of the court. The court may order that any costs incurred by a party be taxed on the scale applicable to proceedings before a Board.

Jurisdiction  
of court

(2) If a person takes Proceedings under this Act in the High Court which he could have taken in the court, the High Court may entertain the proceedings and shall have the same powers as the court under this Act but such person shall, if successful, only be entitled to recover costs on the subordinate court scale, or the scale applicable to proceedings before a Board, as the High Court may order.

(3) The High Court and the court shall conform to this Act in any proceedings arising under this Act between landlords and tenants, and in the case of any proceedings affecting premises to which this Act applies; the High Court or the court, unless satisfied that under this section it may entertain such proceedings, shall transfer the same to a Board having jurisdiction for disposal or the granting Of any necessary leave under paragraph (s) of subsection (1) of section 7, and the Board may either dispose of such proceedings or grant the necessary leave to bring such proceedings in the High Court or the court.

**34.**-(1) A duly authenticated copy of any determination or order of a Board may be filed in the court by any party to the proceedings before such Board or by the Board, and on such order being filed and notice of such Ming being served on the Board by any party filing the same, such determination or order may be enforced as a decree of the court.

Enforcement  
of determina-  
tions and  
orders

(2) In any case in which such determination or order has been filed by a party the Board shall, on being served with notice of the Ming of such determination or order, transmit to the court its record of the proceedings before it and the same shall be filed by the court along with the certified copy of the determination or order.

**35.** If on the dismissal of any application a Board or the court shall be of opinion, that the application was frivolous or vexatious, the Board or the court may order the applicant to pay to any other party to the application a reasonable sum as compensation for the trouble and expense to which such party may have been put by reason of such application.

Compensa-  
tion in case  
of frivolous  
or vexatious  
applications

Protection  
of members  
of Boards

**36.** No matter or thing done by any chairman, member, officer, servant or agent of any Board shall, if done bona fide in the execution or -purported execution of the provisions of this Act, subject any such person as aforesaid to any action, liability, claim or demand whatsoever.

No  
ment to be  
at variance  
with Act

**37.-(1)** No effect shall be given by any court or Board to any agreement or contract or any term or condition thereof which is at variance with any provision of this Act.

(2) Notwithstanding the provisions of subsection (1) or of any other written law, an agreement or contract entered into prior to the coming into operation of this Act shall not, by reason only that its terms and conditions or any of them are at variance with any provision of this Act, become void, but such contract or agreement shall be deemed to have been amended so as to conform with the provisions of this Act and may as so amended be enforced by the parties thereto.

Chairman  
may be  
empowered  
to exercise  
powers of  
the Board  
Regulations

**38.** Notwithstanding the provisions Of section 6, the Minister may by order empower the chairman of a Board to exercise alone any of the powers or functions of the Board which may be specified in such order.

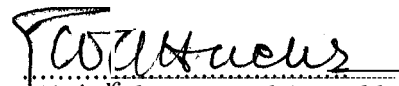
**39.-(1)** The Minister may make such regulations and give such directions as he may think fit for the purpose of better giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, regulations made under subsection (1) may prescribe-

- (a) the manner in which a Board shall conduct its business;
- (b) the procedure in connection with any application to or the determination of any matter by a Board;
- (c) the matters which shall be taken into account by a Board in exercising its powers under this Act;
- (d) the circumstances or cases in which a Board may grant or withhold consent under the provisions of this Act;
- (e) the fees which shall be payable in respect of any matter or thing to be done under this Act;
- (f) the scale and taxation of costs and expenses of witnesses in proceedings before a Board; and
- (9) any other matter or thing which is to be or may be prescribed under this Act.

(3) The High Court may make rules prescribing any procedure, fees and costs in any proceedings in the High Court or the court or for enforcing determinations or orders of a Board filed in the court under the provisions of section 34.

Passed in the National Assembly on the second day of July, 1962.

  
Clerk of the National Assembly