

THE UNITED REPUBLIC OF TANZANIA



No. 57 OF 1966

In discharge of the functions
of the office of the President

I ASSENT.

A handwritten signature in black ink, appearing to read 'AMK K...'. Below the signature is a horizontal line with a decorative flourish.

Second Vice-President

29TH DECEMBER, 1966

An Act to amend the Rent Restriction Act, 1962

[1ST JANUARY, 1967]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Rent Restriction (Amendment) (No. 2) Act, 1966, shall be read as one with the Rent Restriction Act, 1962 (hereinafter referred to as the principal Act) and shall come into operation on the first day of January, 1967.

Short title
construction
and
commence-
ment.

2. The principal Act is hereby amended by deleting the words "a Board", "the Board", "any Board" and "every Board" wheresoever they occur therein and substituting therefor in each case the words "the Tribunal".

Cap. 479
"Tribunal"
substituted
for "Board"

3. Section 1 of the principal Act is hereby amended in subsection (2) by deleting the first four lines and substituting therefor the following: -

Section 1 of
Cap. 479
amended

"This Act shall apply to all dwelling houses and commercial premises, furnished or unfurnished, situate or in course of erection or hereafter to be erected in any area of Tanganyika to which the Minister may, by order published in the Gazette, apply the provisions of this Act, other than-

4. Section 2 of the principal Act is hereby amended-

Section 2 of
Cap. 479
amended

(a) in subsection (1) thereof —

(i) by deleting the definitions "Board", "court", "prescribed date, rent restriction area" and "tenant"

(ii) by inserting immediately after the word "house" in the definition "premises" the words "or commercial premises";

and

(iii) by adding the following new definitions in their appropriate alphabetical positions:-

" 'chairman' includes a vice-chairman;

"commencement of this Act' means, in relation to a dwelling house, the twentieth day of August, 1962 and, in relation to commercial premises, the first day of January, 1967;

'commercial premises' means a building or part of a building let for business, trade or professional purposes or for the public service where such letting does not include land other than the site and cartilage of such building or part of a building and comprised in the letting;

'the court' means a court of a Resident Magistrate of competent jurisdiction;

'the passing of this Act' means in relation to commercial premises, the day on which the Rent Restriction, (Amendment) (No. 2) Act, 1966 is passed;

'prescribed date' means, in relation to a dwelling house, the first day of July, 1959 and, in relation to commercial premises, the first day of January, 1965;

'rent restriction area' means an area in Tanganyika to which the provisions of this Act have been applied by, an order made under subsection (2) of section 1;

'tenant' includes any person deemed to be a tenant under section 3 or section 3A 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 be decided upon by the court, notwithstanding that the right under the tenancy may have passed on the tenant's death to some other person, and in the case of commercial premises of which the landlord could, but for the provisions of this Act, have recovered possession, includes the legal representative of a deceased tenant or other person entitled to carry on or wind up the business of a deceased tenant, for such period as the court may decide to be reasonably necessary for winding up the business of a deceased tenant;

'the Tribunal' means the Rent Tribunal established by section 5;"; and

(b) by deleting subsection (2) and substituting therefor the following subsection:-

"(2) For the purposes, of this Act, premises shall be deemed to be used as a dwelling house when such premises, although used by the tenant partly for business, trade or professional purposes or for the public service, are used by him mainly as a dwelling house; and conversely premises shall be deemed to be used as commercial premises when such premises, although used by the tenant partly as a dwelling house, are used by him mainly for business, trade or professional purposes or for the public service."

5. Section 3A of the principal Act is hereby repealed and replaced by the following new section:-

Section 3A of
Cap. 479
repealed
and replaced

"Application
to occupa-
tion under
certain
options and
agreements

3A.-(1) Where, in any rent restriction area-

- (a) any person has entered into occupation of any premises in pursuance of a licence, being a person to whom an option to purchase those premises or associated premises was granted (whether before or after or at the time of the granting of the licence), and either the licence is revoked or the licence expires on the expiry, or by reference to the expiry, of the option period without any agreement for the purchase, or any purchase of the premises or such associated premises having been concluded or completed between the parties; or
- (b) any person-
 - (i) has entered into occupation of any premises which he has agreed to purchase under an agreement which provides that part of the purchase price shall be paid in advance of the remainder thereof; or
 - (ii) has entered into occupation of any premises associated with any premises which he has so agreed to purchase; or
 - (iii) has entered into occupation of any premises in the circumstances to which paragraph (a) of this subsection relates and continued in occupation of those premises or associated premises in connection with any such agreement to which the foregoing provisions of this paragraph relate, and such agreement is avoided by reason of the failure of the occupier to pay the balance of the purchase price or the refusal or failure of either party to do any act necessary for completion,

the occupier may apply to the court for a declaration that his occupation shall be deemed to have been a tenancy; and on any such application, the court shall, unless the person who granted the option or entered into the agreement to sell, as the case may be (hereinafter in this section referred to as 'the grantor'), satisfies the court that such option or agreement was granted or entered into in good faith and that the transaction was not designed to grant the occupier a temporary period of occupation of the premises, and to enable the grantor to recover possession thereof, otherwise than subject to the provisions of this Act, make such declaration accordingly:

Provided that in any case to which paragraph (b) refers, where the agreement is avoided within ninety days of the making thereof, the court shall not make a declaration under this section unless it is satisfied, by or on behalf of the

applicant, that such option or agreement was not granted or entered into in good faith and that the transaction was designed to grant the occupier a temporary period of occupation of the premises, and to enable the grantor to recover possession thereof otherwise than subject to the provisions of this Act.

(2) Where the court makes a declaration under subsection (1)-

- (a) the occupier shall be deemed to have been and to be the tenant of the premises, the grantor shall be deemed to have been and to be the landlord of the premises, and the consideration given for the licence and option or the part payment shall be deemed to have been rent for the period up to the revocation or expiry of the option or the avoidance of the agreement, as the case may be;
- (b) where the sum deemed, in accordance with paragraph (a) of this subsection, to be the rent exceeds the sum of the standard rent for such premises during the same period, the excess shall be recoverable from the landlord or his legal personal representative by the tenant, and any such sum may, in addition to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord;
- (c) the court shall, unless it makes an order for the recovery of possession or ejection against the tenant under section 19, determine the terms and conditions of the tenancy, and in determining such terms and conditions shall give effect, so far as the same are not inconsistent with the tenancy and this Act, to the terms and conditions if any, relating to the tenant's occupancy which were contained in the licence or option or in the agreement to purchase, and shall include such other terms and conditions as in its opinion are just; and the terms and conditions so determined shall, for the purposes of section 26, be deemed to be the terms and conditions of the original contract of tenancy.

(3) The making of any declaration under subsection (1) or the determination of any terms or conditions under subsection (2) shall not render the landlord or, any person acting on his behalf liable to prosecution for any offence against this Act in respect of any act or omission of such landlord or person before the making of such declaration, if such act or omission would not have constituted an offence but for such declaration or determination.

(4) Where any application is made to the court under subsection (1) of this section, any proceeding pending for the recovery from the applicant of possession of any premises

to which such application relates or for the ejection of the applicant therefrom, shall be stayed pending the determination of such applicant.

(5) In this section 'occupier' includes the widow of an occupier and such members of the occupier's family as would, were the occupier a tenant within the definition thereof set out in section 2, be included in that definition.

(6) For the purposes of this section premises shall be deemed to be associated with other premises if either form part of the other or are contained within the same cartilage as the other."

6. Section 4 of the principal Act is hereby amended-

Section 4
of Cap. 479
amended

(a) in subsection (1)-

- (i) by deleting the comma after the word "lease" in the fourth line and substituting therefor the word "and";
- (ii) by inserting, immediately after the words "any premises" which occur in the first line of paragraph (iii) of the proviso to paragraph (a), the comma and words "other than commercial premises,"; and
- (iii) by deleting paragraph (b) and substituting therefor the following new paragraph:-
 - "(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 the Tribunal as the rent at which such premises would reasonably have been let at the prescribed date having regard to-
 - (i) where such premises are a dwelling house, the rents at which other premises (being premises to which the provisions of the Rent Restriction Ordinance applied) of a similar character in the neighbourhood were let at the prescribed date; and
 - (ii) where such premises are commercial premises, the rents at which other premises of a similar character in the neighborhood were let at the prescribed date; or";

(b) in subsection (2)-

- (i) by adding immediately below paragraph (a) the following new paragraph:-
 - "(aa) in the case of any premises in existence prior to the commencement of this Act and in regard to which the Tribunal is satisfied that having regard to the age or other circumstances relating to the premises it is reasonable to reduce the amount of the standard rent as ascertained in accordance with subsection (i), the Tribunal may reduce the standard rent of such premises to such amount as it shall in all the circumstances consider reasonable; and

(ii) by inserting immediately after the words "any premises" which occur in the first line of paragraph (c), the commas and words ", other than commercial premises,"; and

(c) in subsection (2A) by deleting the commas and words ", or part of which is used for purposes other than a dwelling house," which occur in the second and third lines.

Sections
5 and 6
of Cap. 479
repealed and
replaced

7. Sections 5 and 6 of the principal Act are hereby repealed and replaced by the following sections:-

"Establish-
ment of the
Tribunal

5. There is hereby established a Tribunal to be known as the Rent Tribunal' which shall have such jurisdiction, functions and powers as are conferred upon it by this Act.

Constitution
of the
Tribunal

6.-(1) The Tribunal shall consist of-

- (a) a chairman appointed by the Minister; and
- (b) such other members as the Minister may from time to time appoint.

(2) The Minister may appoint members of the Tribunal either generally or for any rent restriction area or areas and any person appointed as a member of any rent restriction area or areas may sit as a member of the Tribunal only when the Tribunal holds a meeting to determine any matter arising within such area or areas.

(3) All matters considered by the Tribunal 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 shall have a casting vote in addition to his deliberative vote.

(4) The Minister may appoint a vice-chairman or such number of vice-chairmen as he may deem fit, and a vice-chairman shall not by virtue of his appointment as a vice-chairman be a member of the Tribunal but shall have the power to act as chairman in the absence of the chairman from any meeting.

(5) Three members (one of whom shall be the chairman or a vice-chairman) shall constitute a quorum at any meeting of the Tribunal:

Provided that where at any meeting the chairman or a vice-chairman is present but the number of other members present is insufficient to constitute a quorum, the chairman or the vice-chairman, as the case may be, shall have and may exercise all the powers and functions conferred by this Act upon the Tribunal and no act or proceeding of the chairman or the vice-chairman shall, in such circumstances, be invalid by reason only of the absence of a quorum."

8. Section 7 of the principal Act is hereby amended-Section 7 of
Cap. 479
amended

(a) in subsection (1)-

- (i) by deleting the first four lines and substituting therefor the following: -

"The Tribunal shall, in relation to every rent restriction area, 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 ,

- (ii) by deleting paragraphs (a), (h), (1), (j), (k), (1), (m), (q), (s) and (t);

- (iii) by inserting immediately after the words "to, apportion" in the first line of paragraph (f) the words "the liability for";

- (iv) by deleting paragraph (r) and substituting therefor the following new paragraph:-

"(r) to vary or rescind any determination, assessment or order made under the provisions of this Act;"; and

- (b) by deleting subsection (4) and substituting therefor the following new subsection:-

"(4) The Tribunal shall not have or exercise any jurisdiction in any-

- (a) criminal proceedings for any offence whether against this Act or otherwise; or

- (b) civil matter, whether arising out of this Act or otherwise, save the matters in respect of which jurisdiction is specifically conferred upon it by this Act."

9. Section 8 of the principal Act is hereby repealed.Section 8 of
Cap. 479
repealed**10.** The principal Act is hereby amended by adding immediately after section II the following new sections:-New sections
11A, 11B, 11C
and 11D
added

"Jurisdiction 11A. (1) All claims, proceedings or other matters of a
of court

civil nature arising out of this Act or any of the provisions thereof and in respect of which jurisdiction is not specifically conferred upon the Tribunal shall be commenced in the court and the court shall have jurisdiction to deal with such claims, proceedings and other matters of a civil nature, notwithstanding that by reason of the amount of claim or the value of the subject matter or otherwise, the claim, proceedings or matter would not, but for the provisions of this section, lie within the jurisdiction of the court, and the court shall, in any such claim, proceedings or matter, in addition to the powers which such court may ordinarily have in any proceedings of a civil nature, 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-

- (a) to determine whether or not any premises whatsoever are premises to which this Act applies;

- (b) 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 or mesne profits, which orders may be applicable to any person, whether or not he is a tenant, being at any material time in occupation or possession of any premises;
- (c) to approve lettings, sub-lettings, or assignments of premises and any prospective tenants, sub-tenants, or assignees;
- (d) 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 court desirable in the public interest;
- (e) (i) to allocate to any suitable tenant, at such rent as the court 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 sub-paragraph (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 court until such cost is satisfied, and the tenant shall be bound to pay such rent accordingly, and the receipt of the court shall be a good discharge for any rent so paid;
- (f) where the landlord fails to carry out any repairs for which he is liable-
 - (i) to have the required repairs carried out at the cost of the landlord, and if the landlord fails to pay the cost of any such repairs, to recover the cost thereof by requiring the tenant to pay rent to the court for such period as may be required to defray the cost of such repairs, and so that the receipt of the court 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;
- (g) to permit the levy of distress for rent;
- (h) to impose conditions in any order made under the provisions of this section;
- (i) to vary or rescind any order made under the provisions of this section;

(j) in any case in which it becomes necessary to determine the standard rent of any premises, to refer the matter to the Tribunal for assessment and determination of such standard rent; and

(k) to exercise jurisdiction in all civil matters on questions arising out of this Act.

(2) Notwithstanding the provisions of subsection (1), where any claim, proceedings or other matter of a civil nature arising out of this Act and in respect of which jurisdiction is specifically conferred upon the court by that subsection is commenced in the High Court, the High Court may, if it thinks fit so to do, entertain the claim, proceedings or matter and shall have the same powers as are conferred upon the court by this Act, but any costs incurred by a party shall be taxed on the scale applicable to the proceedings before the court.

(3) Nothing in subsection (1) shall be construed as conferring upon the court jurisdiction to try any civil suit or other proceedings of a civil nature in which, in addition to a relief claimed under the provisions of this Act there is claimed, by way of additional claim, counter-claim or set-off, a relief which, by reason of its nature or value, the High Court only has jurisdiction to grant; and such suit or proceedings shall be commenced in the High Court, or if commenced in the court may be transferred by that court to the High Court, and the High Court shall, in respect of the relief claimed under the provisions of this Act, have the same powers as are conferred upon the court by this Act.

Investigation
of complaints

11B. (1) In addition to any other powers specifically conferred on it by this Act, the court may investigate any complaint relating to the tenancy of premises made to it either by a tenant or landlord of such premises.

(2) Nothing in this section or in the other provisions of this Act shall be deemed to preclude the court from taking cognizance of any infringement or alleged infringement of this Act 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 the court under the provisions of this Act.

(3) 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 court 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 court may summon the parties or the landlord or tenant as the case may be, to appear before the court at a time and place specified in such summons for the purpose of investigating such complaint or dispute.

(4) Where the court investigates any complaint under this section, the court may make such order in the matter as the justice of the case may require.

Proceedings
before court

11C. (1) Subject to the provisions of this Act, every court claim, proceedings or other matter of a civil nature arising out of this Act and commenced in the court shall be commenced as if such claim, proceedings or other matter were a civil suit and shall be regulated by the provisions of the Civil Procedure Code, 1966:

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Provided that the Chief Justice may make rules modifying in their application to claims, proceedings and other matters arising out of this Act, or replacing any rules forming part of any of the Schedules to the Civil Procedure Code, 1966 or made under the Code.

(2) Nothing in subsection (1) shall be construed as limiting the court's power to take cognizance of any matter which it may have power to take under the provisions of this Act without any proceedings being commenced in respect thereof by any person, but where the court takes cognizance of any such matter it may, after ascertaining the matter or matters in issue between the parties concerned in such manner as it may think proper, proceed to try the issue or issues as in a civil suit.

Appeals
from the
decision of
court

11D. An appeal shall lie to the High Court from every order, decision or judgment made or given by the court in any claim, proceedings or other matter of a civil nature arising out of this Act and the provisions of the Civil Procedure Code, 1966 relating to appeals from orders and decrees in civil suits shall apply, *mutatis mutandis*, to appeals from such orders, decisions and judgments."

Section 12
of Cap. 479
repealed
and replaced

11. Section 12 of the principal Act is hereby repealed and replaced by the following new section:-

"Failure to
comply with
or observe
order or
decision of
court or
Tribunal

12. Any person who fails to comply with or observe-

- (a) any order or decision made or given by the court or the Tribunal in the exercise of the powers vested upon it by this Act; or
- (b) where an appeal has been preferred against any such order or decision, any order or decision substituted therefor,

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:

Provided that no person shall be liable to be prosecuted for an offence under this section in respect of any act done or omission made by him prior to the expiration of the time allowed for an appeal from the order or decision concerned."

12. Section 13 of the principal Act is hereby amended by deleting subsection (3) thereof. Section 13 of
Cap. 479
amended

13. The principal Act is hereby amended by adding immediately after section 13 the following new section:- New section
13A added

"Approval for letting, etc. 13A. The landlord or tenant of any premises may, before any letting, sub-letting, assignment or transfer of the said premises, apply to the court 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."

14. Section 14 of the principal Act is hereby repealed and replaced by the following section:- Section 14
of
Cap. 479
repealed and
replaced

"Certain increases of rent irrecoverable 14. Subject to, the provisions of this Act, where the rent of any premises has been, since-

(a) in the case of a dwelling house, the fourteenth day of February, 1962; or

(b) in the case of commercial premises, the thirtieth day of November, 1966,

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."

15. Section 15 of the principal Act is hereby amended- Section 15 of
Cap. 479
amended

- (a) by deleting the words "the Tribunal" (as substituted for the words "the Board" by section 2) which occur in the fifth line and substituting therefor the words "the court";
- (b) by deleting the word "four" in the ninth line and substituting therefor the word "six"; and
- (c) by deleting the word "six" in the tenth line and substituting therefor the word "twelve"

16. Section 19 of the principal Act is hereby amended-

- (a) in subsection (1)- Section 19 of
Cap. 479
amended
- (i) by deleting the first four lines and substituting therefor the following: -
- "No order or judgment for recovery of possession of any premises to which this Act applies, or for the ejection of a tenant therefrom, shall be made or given unless-";
- (ii) by deleting the words and commas "the Tribunal or the court, as the case may be," (the words "the Tribunal" having been substituted for the words "a Board" and "the Board" by section 2) wheresoever they occur in paragraphs (b), (c), (d), (f), (i), (k) and substituting therefor in each case the words "the court";
- (iii) by deleting paragraph (e) and substituting therefor the following new paragraph: -

"(e) (i) in the case of a dwelling house, it is 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 such dwelling house under a will or settlement, and (except as otherwise provided by this section) the court 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 a dwelling house 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; or

(ii) in the case of commercial premises, they are reasonably required by the landlord and (except as otherwise provided by this section) the court 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 commercial premises suitable for his own accommodation which are 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 such dwelling house or commercial 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 house or premises the first option to lease and take possession of the said house or premises. If any landlord fails to give such possession he shall be guilty of an offence and shall be liable, on conviction to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and such imprisonment; or ,

- (iv) by deleting the words "the Tribunal or " which occur in the twelfth line of paragraph (f);
- (v) by deleting the words "the Tribunal" which occur in the second line of paragraph (g) and substituting therefor the words "the court";
- (vi) by deleting the words "the Tribunal" which occur in the first line of sub-paragraph (i) of paragraph (j) and substituting therefor the words "the court";

(vii) by inserting immediately after the words "the tenant" in paragraph (1) the words "of a dwelling house"; and

(viii) in paragraph (m)-

(A) by deleting the words "the Tribunal" which occur in the fifth line and substituting therefor the words "the court"; and

(B) by deleting the words "a court" which occur in the second line of the proviso and substituting therefor the words "the court";

(b) by deleting subsection (2) and substituting therefor the following new subsection: -

"(2) In any case arising under subsection (1), no order for the recovery of possession of premises shall be made unless the court is satisfied, by or on behalf of the landlord, that having regard to all the circumstances of the case it is reasonable to make such an order and, where the order is sought on any of the grounds specified in paragraphs (c), (e), (h) and (1) of subsection (1), that unless such an order is made great hardship will be caused to the landlord.;"

(c) by deleting subsection (5) and substituting therefor the following new subsection:-

"(5) At the time of the application for the making of any order for the recovery of possession of any premises, or for the ejectment of a tenant therefrom, 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, 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 court thinks fit, and, if such conditions are complied with the court may, if it thinks fit, discharge or rescind any such order."

(d) in subsection (7)-

(i) by deleting the words and commas "the Tribunal or the court, as the case may be," which occur in the third and fourth lines and substituting therefor the words "the court"; and

(ii) by deleting the words "the Tribunal or" which occur in the fifth line;

(e) in subsection (9), by deleting the words and commas "the Tribunal or the court, as the case may be, who made the order that the landlord has failed to carry out such undertaking the Tribunal or " which occur in the sixth, seventh and eighth lines, and substituting therefor the words "the court which made the order that the landlord has failed to carry out such undertaking";

(f) in subsection (10), by deleting the words "the tribunal or" which occur in the fourth line. and

(g) in subsection (11), by deleting the words and commas "or the Tribunal, as the case may be," which occur in the fourth line.

Section 20 of
Cap. 479
repealed and
replaced

17. Section 20 of the principal Act is hereby repealed and replaced by the following section:-

"Restriction on levy of distress for rent 20. No distress for rent of any premises shall be levied except with the leave of the court and 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."

Section 21 of
Cap. 479
amended

18. Section 21 of the principal Act is hereby amended-

(a) in subsection (1), by deleting the words, figures and commas "made after the fourteenth day of February, 1962," which occur in the ninth line and substituting therefor the words, figures and commas "made, in the case of a dwelling house, after the fourteenth day of February, 1962, and, in the case of commercial premises, after the thirtieth day of November, 1966,"; and

(b) in subsection (3) by deleting the words "twelve months or to a fine not exceeding ten thousand" which occur in the fourth line and substituting therefor the words "five years or to a fine not exceeding fifteen thousand".

Section 24 of
Cap. 479
amended

19. Section 24 of the principal Act is hereby amended in subsection (1) by deleting the words, figures and commas "the fourteenth day of February, 1962," and substituting therefor the words, figures and commas "in the case of a dwelling house, the fourteenth day of February, 1962 and in the case of commercial premises, the thirtieth day of November, 1966,"

Section 25 of
Cap. 479
amended

20. Section 25 of the principal Act is hereby amended by deleting subsection (2) and substituting therefor the following subsection:-

"(2) The court or the Tribunal 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, and 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 made on account of rent therefor and to sign such entries."

Section 27 of
Cap. 479
amended

21. Section 27 of the principal Act is hereby amended by deleting subsection (1) and substituting therefor the following subsection:-

"(1) No landlord shall deprive or attempt to deprive, a tenant of any service without the consent of the court."

- 22.** Section 30 of the principal Act is hereby repealed and replaced by the following section:-
 "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 the court."
- Section 30 of Cap. 479 repealed and replaced
- 23.** Section 31 of the principal Act is hereby amended by deleting the words "the Tribunal" (as substituted for the words "the Board" by section 2) wheresoever they occur therein and substituting therefor the words "the court".
- Section 31 of Cap. 479 amended
- 24.** Section 33 of the principal Act is hereby repealed and replaced by the following new section:-
 "Court's power in criminal case 33. (1) The court and a district court shall have jurisdiction to deal with offences under this Act.
 (2) Where any person is convicted of an offence under this Act by a court of competent jurisdiction such court may, notwithstanding the provisions of section 7 of the Criminal Procedure Code, impose the maximum fine prescribed by this Act for such offence."
- Section 33 of Cap. 479 repealed and replaced
- Cap. 20
- 25.** Section 34 of the principal Act is hereby repealed.
- Section 34 of Cap. 479 repealed
- 26.** Section 39 of the principal Act is hereby amended by deleting subsection (3) and substituting therefor the following new subsections: -
 "(3) The Chief Justice may, in addition to the powers conferred upon him by section 11C, and subject to the provisions of that section, make rules prescribing any procedure, fees and costs in any proceedings under this Act before the High Court or the court.
 (4) In so far as no or no sufficient provision is made by rules made under subsection (3) the fees and costs in any proceedings under this Act before the High Court or the court shall be regulated by rules for the time being in force regulating fees and costs in proceedings of a civil nature before the High Court or the court, as the case may be."
- Section 39 of Cap. 479 amended
- 27.** The Rent Restriction (Endorsement and Determination of Orders of Boards) Rules, 1962 are hereby revoked.
- Revocation of Rules, Cap. 479 Supp. 62 p. 33 Saving
- 28.** (1) Where immediately before the commencement of this Act there is in existence in any area of Tanganyika a Rent Restriction Board established under the provisions of subsection (2) of section 1 as in force prior to the commencement of this Act, such area shall be deemed to be an area to which the Rent Restriction Act, 1962 has been applied under the provisions of the said subsection as amended by this Act.

(2) All persons appointed as members of a Board established for any rent restriction area under the provisions of the law in force immediately before the commencement of this Act shall be deemed to have been appointed as members of the Tribunal for such rent restriction area under subsection (1) of section 6.

(3) All rules made by the High Court under the provisions of subsection (3) of section 39 as in force immediately before the commencement of this Act shall continue in force and shall be deemed to have been made under the provisions of the said subsection as amended by this Act.

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tional

29. (1) Where, at the commencement of this Act, any claim, application, proceedings or other matter, or any appeal, is pending before any Rent Restriction Board established under section 5 of the principal Act as in force immediately before the commencement of this Act or before a court or the High Court, the same may be continued and concluded by the Board, the court or the High Court, as the case may be, as if this Act had not been enacted.

(2) Every order, decision, determination or judgment of a Board, court or the High Court in any claim, application, proceedings or other matter commenced before the commencement of this Act may be enforced, and, where an appeal is lodged against any such order, decision, determination or judgment, any decision on such appeal may be enforced, in the manner provided by the law in force immediately before the commencement of this Act.

(3) The Minister may, for the better carrying out of the provisions and purposes of this section, exercise any of the powers conferred upon him by the law in force immediately before the commencement of this Act.

Passed in the National Assembly on the seventeenth day of December, 1966.


Clerk of the National Assembly