

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

"The Rent Control Law (Guernsey), 1946."

(Enregistré sur les Records de l'Ile de Guernesey le
7 septembre 1946.)



1946.

XIII

1946

ORDRE EN CONSEIL



A LA COUR ROYALE DE L'ÎLE DE GUERNESEY

Le sept septembre mil neuf cent quarante-six, par devant Ambrose James Sherwill, écuyer, C.B.E., M.C., Baillif; présents: Jean Allès Simon, Osmond Priaulx Gallienne, écuyers, Ernest de Garis, écuyer, O.B.E., Messire John Leale, Chevalier, James Frederick Carey, écuyer, Messire Abraham James Lainé, K.C.I.E., Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, écuyers, et Richard Henry Johns, écuyer, O.B.E., Jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 2 août 1946 ratifiant un Projet de Loi intitulé "The Rent Control Law (Guernsey), 1946",—la Cour, après avoir eu lecture du dit Ordre en Conseil, ouïes les conclusions des Officiers du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les records de cette Ile, duquel Ordre en Conseil la teneur suit:—

At the Court at Buckingham Palace,

The 2nd day of August, 1946.

PRESENT,

The King's Most Excellent Majesty.

LORD PRESIDENT.

LORD MACMILLAN.

MR. SECRETARY EDE.

MR. BARNES.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of July, 1946, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That on the 30th day of March, 1946, the Royal Court, in order to give effect to a resolution of the States of Deliberation of the 26th day of September, 1945, adopted a Bill or “Projet de Loi” entitled “The Rent Control Law (Guernsey), 1946,” and requested the Bailiff to submit the same to the States for approval. 2. That on the 17th day of April, 1946, the said Bill or “Projet de Loi” was duly considered by the States when a resolution was passed approving the same and authorizing the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed.

And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Rent Control Law (Guernsey), 1946," and to order and direct that the same shall have force of Law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. Leadbitter.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

"The Rent Control Law (Guernsey), 1946."

DIVISION OF SECTIONS.

Section	1 (1)	Definitions.
"	1 (2)	Exclusion of houses let at a rent including board.
Section	2	Premises to which the Law applies.
Section	3 (1)	Maximum Recoverable Rent.
"	3 (1) (c)	Additions for provision of services.
"	3 (2)	Apportionment of Recoverable Rent.
Section	4 (1)	Registered rent and Provisional Registered Rent.
"	4 (1) (c)	Apportionment of Provisional Registered Rent on division of premises.
"	4 (1) (d)	Powers of landlord to increase recoverable rent in certain cases.
"	4 (2)	Apportionment of registered rent where rent payable in respect of a period of less than one year.
Section	4 (3)	Reduction of registered rent where external and structural repairs are not carried out by landlord.

- Section 5 Duty of Cadastre Committee to maintain Register and supply details on request.
 Entries in Register to be admitted as evidence.
- Section 6 (1) Applications for assessment and re-assessment.
- „ 6 (2) Duty of Cadastre Committee to assess or re-assess on application.
- „ 6 (3) Duty of Cadastre Committee to inform parochial authorities of alterations in registered rent.
- „ 6 (4) Appeals.
- „ 6 (5) Constitution of Cadastre Committee.
- Section 7 Increase of Registered Rent on improvements or provision of facilities.
- Section 8 Number of families likely to be in occupation to be considered in assessment or re-assessment of registered rent.
- Section 9 Provisions with regard to furnished lettings.
- Section 10 Reduction of Registered Rent through disrepair.
- Section 11 (1) Prohibition of unauthorised payments.
- „ 11 (2) Recovery of unauthorised payments.
- „ 11 (3) Excessive charge for furnishings deemed a prohibited payment.
- „ 11 (4) (a) Duty of tenants and sub-tenants to supply details of sub-letting.

- Section 11 (4) (b) Penalties for failure to supply details of sub-letting.
- „ 11 (4) (c) Power of Royal Court to make eviction order in case of overcharge on a sub-letting.
- Section 12 Duty of landlord to provide rent book.
- Section 13 Exclusion of certain leases from provisions of Law.
- Section 14 Rent accepted after determination of lease not a bar to an eviction order.
- Section 15 Penalties.
- Section 16 Form of Application to Cadastre Committee.
- Section 17 Powers of Royal Court to make Ordinances.

PROJET DE LOI

ENTITLED

"The Rent Control Law (Guernsey), 1946."

THE STATES have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

1.—(1) In this Law, the following expressions shall have the meanings hereinafter assigned to them respectively:—

"Cadastre Committee" means the States Cadastre Committee established under the Cadastre Law;

"the Cadastre Law" means the "Loi relative au Cadastre Général de l'Île" registered on the Records of this Island on the 15th day of November, 1919, or any law replacing or amending the same;

"Cadastre rental value" means the amount of the annual rental value from time to time recorded in the Island Cadastre;

"Dwelling-house" and "Tenement house" include the appurtenances and amenities occupied or occupiable and enjoyed or enjoyable by the tenant or tenants in conjunction therewith under the lease or tenancy agreement in relation thereto;

(2) Nothing in this Law shall apply to a house or part of a house let at a rent which includes payment in respect of board:

Provided that a house or part of a house shall not be deemed to be let at such a rent unless the value of such board to the lessee forms a substantial proportion of the whole rent.

2.—(1) The provisions of this Law shall apply to the following premises whether the same be let furnished or unfurnished:—

- (a) every dwelling-house occupied by not more than one household, of which the Cadastre rental value does not exceed Seventy-five Pounds;
- (b) every tenement house and every dwelling-house occupied by more than one household, irrespective of the Cadastre rental value thereof; and
- (c) such part of any premises, not wholly occupied as or being a dwelling-house or tenement house, as is occupied for dwelling purposes, inclusive of the appurtenances and amenities occupied or occupiable or enjoyed or enjoyable by the tenant or tenants in conjunction therewith under the lease or tenancy agreement in relation thereto;

and every such dwelling-house and tenement house and every such part of any premises as is referred to in paragraph (c) of this sub-section is hereinafter referred to as a “controlled dwelling”.

(2) For the purposes of this Section, any dwelling place forming part of any building but not ordinarily accessible from any other part of that building and any self-contained flat shall be deemed to be a separate dwelling-house.

3.—(1) The maximum rental which shall be chargeable and recoverable (such rental being hereinafter referred to as “the recoverable rent”) in respect of a controlled dwelling let unfurnished shall be the sum of the following items:—

- (a) the registered rent determined in accordance with the provisions of this Law;

- (b) the following rates in cases only where the same are paid by the landlord:—
- (i) occupier's rate;
 - (ii) education rate;
 - (iii) refuse collection rate;
 - (iv) water rate.
- (c) such amount in respect of the provision by the landlord of any services (which expression includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility) enjoyed by the tenant in connection with his occupation of the controlled dwelling or part thereof as is a reasonable consideration in respect of the provision thereof:

Any agreement entered into between the parties as to the consideration to be paid for such services shall be *prima facie* evidence of the reasonableness of such consideration.

In the event of the failure of the parties to agree or of any dispute arising as to what constitutes a reasonable consideration for such services, the parties concerned or any of them may refer the matter to the Cadastre Committee, who shall determine the consideration to be paid. Such reference may be made at any time by the States Housing Authority.

Provided that, as regards the items referred to in paragraphs (b) and (c) of this subsection, only such part thereof as bears the same proportion to the annual amount thereof as an instalment of the registered rent falling due at any one time bears to the annual amount of such registered rent shall be recoverable with any such instalment of registered rent.

(2) The proportion of the recoverable rent applicable to the whole of any tenement house or of any dwelling-house or any such part of any premises as is referred to in paragraph (c) of subsection (1) of Section 2 of this Law let to more than one household which shall be chargeable to and recoverable from any tenant shall be such proportion thereof as bears the same relation to the recoverable rent of the whole thereof as the extent and amenities thereof which that tenant is entitled to occupy and enjoy bear to the total extent and amenities of the tenement house or of the dwelling-house or of such part of such premises as aforesaid.

Any agreement entered into between the parties as to the proportion of the recoverable rent which shall be chargeable to and recoverable from any such tenant as aforesaid shall be *prima facie* evidence that such proportion is properly so recoverable and chargeable.

In the event of the failure of the parties to agree, or of any dispute arising, as to the proportion chargeable and recoverable as aforesaid, the parties concerned or any of them may refer the matter to the Cadastre Committee, who shall determine the proportion chargeable and recoverable. Such reference may be made at any time by the States Housing Authority.

4.—(1) The amount of the registered rent in respect of every controlled dwelling shall be the amount assessed or re-assessed by the Cadastre Committee after the date on which this Law comes into force as being the fair and reasonable rent thereof.

Provided that, until such time as the registered rent in respect of a controlled dwelling is so assessed or re-assessed the registered rent shall—

- (a) if the controlled dwelling is occupied or is likely to be occupied by not more than one

household, be deemed provisionally to be an amount not exceeding one hundred and fifty per cent of the Cadastre rental value of that controlled dwelling, or

- (b) if the controlled dwelling is occupied or is likely to be occupied by more than one household, be deemed provisionally to be an amount not exceeding the amount which is appropriate under the provisions next following:—

- (i) if the controlled dwelling is occupied or is likely to be occupied by not more than two households, an amount which is twenty-five per centum in excess of the amount specified in paragraph (a) of this proviso; or

- (ii) if the controlled dwelling is occupied or is likely to be occupied by more than two households, the amount specified in clause (i) of this paragraph increased by ten per centum of the amount specified in paragraph (a) of this proviso in respect of each household in excess of two.

- (c) if the controlled dwelling is such part of any premises as is referred to in paragraph (c) of subsection (1) of Section 2 of this Law, be an amount not exceeding an amount calculated in accordance with the foregoing provisions of this proviso, so however, that—

- (i) the amount of the Cadastre rental value entering into any such calculation shall be such proportion only of the Cadastre rental value of the whole of those premises as is justly and fairly attributable to that part of those premises; and

- (ii) in ascertaining the number of households for the purpose of computing the amount of the registered rent, any tenant or occupier of any part of those premises not occupied for dwelling purposes shall be ignored:

Any agreement entered into between the parties as to the proportion of the Cadastre rental value attributable to the premises shall be *prima facie* evidence that such proportion agreed upon is properly attributable.

In the event of the failure of the parties to agree, or of any dispute arising, as to the proportion so attributable as aforesaid, the parties concerned or any of them may refer the matter to the Cadastre Committee, who shall determine the proportion attributable. Such reference may be made at any time by the States Housing Authority.

- (d) Provided nevertheless that, until such time as aforesaid, where the amount of the rent payable during the quarter ending on the twenty-fifth day of March One thousand nine hundred and forty-six in respect of any controlled dwelling was greater than the amount of the recoverable rent which would save for this proviso be applicable, rent at a rate not exceeding the rate so previously payable may, if the condition attaching to this proviso be fulfilled, be charged in respect of that controlled dwelling and rent at the latter rate shall be deemed provisionally to be the recoverable rent applicable thereto. The condition attaching to this proviso is

that the person by whom such greater rent is charged shall, not later than fourteen days after the date on which the first instalment thereof falls due after the commencement of this Law, have informed the Cadastre Committee in writing of the following particulars:—

1. Full name and postal address of person by or on whose behalf the information is sent.
2. Situation (including parish) and brief specification of premises to which the information relates.
3. Amount of annual rent sought to be charged in respect thereof.
4. Amount of rent payable during the quarter ending on the twenty-fifth day of March One thousand nine hundred and forty-six in respect thereof and the name (and the present address, if known) of the tenant who paid the same;

and that such person shall not have received from the Cadastre Committee a notification in writing to the effect that the Cadastre Committee disallows the charging of rent at a rate which is greater than the recoverable rent applicable in accordance with this Law.

(2) The registered rent in respect of any period of less than one year shall not exceed the proportion of the registered rent in respect of one year which such lesser period bears to a period of one year.

(3) The registered rent applicable under the foregoing provisions of this section shall be applicable only in respect of controlled dwellings as regards which the external and structural repairs are carried out at the cost of the landlord; in all other cases the registered rent shall be an amount calculated in

accordance with those provisions reduced by such percentage as the Cadastre Committee shall direct either generally or as respects any particular case and, pending the issue of such direction, such reduction shall be at the rate of twenty per centum of the amount so calculated.

5.—It shall be the duty of the Cadastre Committee to compile and maintain a Register of rents of controlled dwellings wherein shall be recorded, so far as may be, the following particulars concerning all controlled dwellings:—

- (a) the Cadastre number of the premises concerned;
- (b) a specification of those premises;
- (c) the full name and address of the proprietor of those premises;
- (d) the amount of the annual registered rent of those premises, setting out where applicable any conditional re-assessment by way of increase made under Section 7 (2) of this Law.
- (e) particulars of any matter determined by the Committee as a result of any reference made to them by virtue of the provisions of Section 3 (1) (c) or Section 3 (2) of Section 9 of this Law;

and the Cadastre Committee shall, on reasonable request, so far as it is able, supply without charge to any person being the proprietor, tenant or sub-tenant of any controlled dwelling, details of any matter so recorded and shall, on the reasonable request of any such person, assess the registered rent or the proportion thereof which shall be chargeable in respect of any controlled dwelling or of any part thereof which is let or sub-let separately and the amount payable under the provisions of sub-paragraph (c) of para-

graph (1) of Section 3 of this Law or the proportion thereof chargeable in respect of that controlled dwelling or any part thereof let or sub-let separately.

A copy of any entry in the Register of Rents of Controlled Dwellings as to the matters set out in section 5 of this Law, certified to be true by a member of the Cadastre Committee or by the clerk to the said committee, shall be admitted as evidence in any proceedings of the truth of the matters therein set out.

6.—(1) Any person being the landlord, tenant or sub-tenant of any premises to which this Law applies, or the States Housing Authority, may, if the registered rent of the said premises has not been assessed by the Cadastre Committee, apply to the Cadastre Committee for the registered rent to be so assessed.

Any such person, or the States Housing Authority, claiming that the registered rent of the said premises as assessed or re-assessed by the Cadastre Committee has become by change of circumstance too high or too low, may apply to the Cadastre Committee for a re-assessment of the said registered rent.

(2) Upon the receipt of any such application as aforesaid, the Cadastre Committee shall consider the same and after making such investigation as the circumstances require shall assess or re-assess the registered rent to which the application relates at such amount whether in excess of or below or at the same rate as the registered rent hitherto applicable as in the opinion of the Cadastre Committee is fair and reasonable.

(3) Upon making any material alteration in the registered rent of any controlled dwelling, the Cadastre Committee shall notify the appropriate parochial authorities of the alteration and shall require those authorities to procure the revaluation of the Cadastre rental value of that controlled

dwelling or of the premises whereof the controlled dwelling forms part, as the case may be, and the provisions of Article 10 of the Cadastre law shall have effect accordingly.

(4) Any person aggrieved by any assessment, re-assessment or determination by the Cadastre Committee under this Law may appeal therefrom to the Royal Court sitting as an Ordinary Court at any time by causing a summons to be served upon the President or Acting President of the Cadastre Committee to see the Court direct the rectification of the Register of Rents of Controlled Dwellings as regards the registered rent of the controlled dwelling concerned.

(5) For the purpose of dealing with such applications as aforesaid, the Cadastre Committee shall be properly constituted if there be present at a meeting thereof the President or Acting President and three other members thereof and the provisions of Article 6 of the Cadastre Law shall apply to the Cadastre Committee when carrying out their duties under this Law as it applies to that Committee when carrying out their duties under that Law.

7.—(1) Upon the completion by a landlord of—

- (a) improvements or structural alterations as regards any controlled dwelling, other than the re-decoration or repair thereof; or
- (b) the provision of facilities not hitherto existing in relation to any controlled dwelling for the use in connection with that controlled dwelling of any public utility service;

the landlord shall be entitled to apply to the Cadastre Committee for an increase of the registered rent of that controlled dwelling and thereupon the Cadastre Committee, upon being satisfied both as to the reasonableness of such improvements, alterations or provision of facilities and of the amount of the capital

sums expended in relation thereto, shall increase the registered rent accordingly, so however that the annual amount thereof shall not be increased further than by an amount equivalent to eight per centum of the amount of such capital sums so expended.

(2) (a) A landlord who proposes in the future to effect or complete such improvements, structural alterations or provision of facilities as aforesaid, may first apply to the Cadastre Committee for a conditional re-assessment by way of increase of the registered rent; on such first application the Cadastre Committee shall, upon being satisfied as to the reasonableness both of such proposed improvements, structural alterations or provision of facilities and of the capital sums proposed to be expended in relation thereto, forthwith conditionally re-assess by way of increase the registered rent of the premises in an amount as set out in sub-section 1 of this section and shall record the fact of such conditional re-assessment in the Register of rents of Controlled Dwellings. Such conditional re-assessment, however, shall not become applicable to the premises until the Cadastre Committee shall be further satisfied as to the matters set out in paragraph (b) of this sub-section.

(b) Thereafter the landlord may make further application to the Cadastre Committee that the said conditional re-assessment shall become applicable to the premises and thereupon if the Cadastre Committee shall be satisfied that such improvements, structural alterations or provision of facilities have been properly carried out and that the capital sums proposed to be expended have been expended, the said conditional re-assessment shall become applicable to the premises and the Cadastre Committee shall effectively re-assess the registered rent by increasing the subsisting registered rent to the amount so conditionally re-assessed and the

registered rent as so effectively re-assessed shall then but not till then become applicable to the premises.

(c) Should the Cadastre Committee on such further application not be satisfied as to any of the matters referred to in paragraph (b) of this subsection, they shall either adjourn the hearing of such further application to enable the landlord to make such alterations to the improvements, alterations and provision of facilities as shall satisfy them as aforesaid, or shall effectively re-assess by way of increase the registered rent by increasing it to such portion only of the registered rent as conditionally re-assessed as to them seems just, and such portion only shall then and not till then become applicable to the premises.

8.—In assessing or re-assessing the registered rent of the whole or any part of any controlled dwelling, the Cadastre Committee shall have regard to the number of households likely to occupy that controlled dwelling (whether or not that number be accommodated therein at the time of such assessment or re-assessment) and shall proceed with the assessment or re-assessment on the general basis, as nearly as may be, that the amount of the registered rent in respect of the whole of a controlled dwelling likely to be occupied by more than one household shall be greater than the amount of the registered rent which would be chargeable in respect thereof were it ordinarily occupied by only one household by whichever percentage or aggregate of percentages in accordance with the following scale of percentages is applicable in the case of that controlled dwelling:—

SCALE OF PERCENTAGES.

Two households	25%
Each household in excess of two ...	An additional 10%

Provided that the Cadastre Committee may, in its discretion, in the case of overcrowding or other circumstances which, in its view, would render the application of any such percentage or aggregate of percentages in its entirety unjustifiable as respects any controlled dwelling, apply such reduced percentage or aggregate of percentages in assessing or re-assessing the amount of the registered rent chargeable in respect of that controlled dwelling as, in its opinion, is fair and reasonable.

9.—The foregoing provisions of this Law shall apply to controlled dwellings which are let wholly or partially furnished to the same extent as those provisions apply to controlled dwellings let unfurnished subject however to the following modification:—

To the recoverable rent which would be payable if the controlled dwelling were let unfurnished there shall be added such amount by way of hire of the furniture and household effects comprised in the letting as is a fair and reasonable consideration, in the circumstances, for the hire thereof.

Any agreement entered into between the parties as to the consideration to be paid by way of hire as aforesaid shall be prima facie evidence that such consideration is fair and reasonable.

In the event of the failure of the parties to agree, or of any dispute arising, as to what constitutes such a fair and reasonable consideration, the parties concerned or any of them may refer the matter to the Cadastre Committee, who shall determine the consideration to be paid. Such references may be made at any time by the States Housing Authority.

Provided that the provisions of this Law shall not apply to the letting furnished of any controlled dwelling or part of any controlled dwelling if such

letting be a short term holiday letting and, in the event of a dispute as to whether or not such letting is a short term holiday letting, the dispute shall be determinable by the Cadastre Committee on application in writing being made to that Committee by either party to the letting or by the States Housing Authority for the determination of the dispute and after consideration of such representations (if any) as may be made whether orally or in writing by the other party thereto and no appeal shall lie from the decision of that Committee in relation thereto.

10.—Upon the receipt by the Cadastre Committee of a certificate of the States Housing Authority to the effect that any controlled dwelling is in a state of disrepair, the Cadastre Committee shall thereupon effect a reduction of thirty per centum in the registered rent applicable to that controlled dwelling or (in the case of a controlled dwelling let wholly or partially furnished) which would be applicable thereto were it let unfurnished and shall notify the persons by and to whom the registered rent in respect thereof is payable and the registered rent so reduced shall be and continue to be the registered rent in respect of that controlled dwelling until such time as the Cadastre Committee, upon the receipt of a further certificate of the aforesaid Authority to the effect that the controlled dwelling is once again in a proper state of repair, shall restore the registered rent to its original figure or otherwise vary the same.

11.—(1) It shall be an offence under this law for any person to offer, solicit, demand, make or accept any payment or other consideration in respect of the grant, renewal or continuance of a lease, sub-lease, tenancy or sub-tenancy of any controlled dwelling or any part thereof to or by that or any other person or otherwise in relation to the use or occupation of any controlled dwelling or any part thereof other than or

in excess of one properly chargeable in respect of that controlled dwelling or that part thereof in accordance with the provisions of this Law.

(2) Where any payment or consideration has been made or received in contravention of the foregoing subsection, the amount or value thereof shall be recoverable by the person by whom it was made or given.

(3) Where as a condition of the granting of any lease, sub-lease, tenancy or sub-tenancy a person is required to take over any furniture, furnishings or fixtures and the price paid or payable in respect thereof is in excess of their reasonable value, such excess shall be deemed to be a prohibited payment within the meaning of subsection 1 of this section.

(4) (a) It shall be the duty of every person being a tenant or sub tenant of any controlled dwelling or part thereof who sub-lets that controlled dwelling or any part thereof to notify his immediate landlord, in writing, within the fourteen days next following the date on which the sub-letting commences, of the name of his sub-tenant, of particulars of the premises so sub-let and of the amount (inclusive of all charges whatsoever) and manner of payment of the rent payable in respect of such sub-letting.

(b) If any person, without reasonable excuse, fails to give the notification as required under the provisions of the last preceding paragraph, or in any such notification makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in any material

particular, that person shall be guilty of an offence under this Law and shall be liable on conviction to a fine not exceeding £10.

- (c) If any person, being a tenant or sub-tenant of a controlled dwelling or part thereof, sub-lets that controlled dwelling or any part thereof at a rental in excess of the recoverable rent applicable thereto under the provisions of this Law, the Royal Court may on application made by the immediate landlord or the superior landlord of that person make an eviction order against that person in respect of the whole of the premises whereof that person is the tenant or sub-tenant.

12.—It shall be the duty of every person who lets or sub-lets any controlled dwelling or any part of any controlled dwelling, whether the same be let furnished or unfurnished, to supply free of cost to the person to whom he lets or sub-lets the same a rent book in such form as may be prescribed by the States Housing Authority and to enter therein at the commencement of the letting or sub-letting (and thereafter whenever any change takes place in the amount or manner of payment of the recoverable rent) such particulars as will enable the other party to the letting or sub-letting to be aware at all times of the amount of the recoverable rent (together with the details thereof) payable by him in respect of such letting or sub-letting together with any sums payable in respect of services or by way of hire or furniture or household effects and of the manner and times in and at which the same is payable and of the amount from time to time owing by him in respect thereof.

Failure on the part of any person to carry out the

duty laid upon him by virtue of this section shall render such person liable on conviction to a fine not exceeding £10.

13.—The provisions of this Law shall not operate so as to invalidate any covenant as to the payment of rent under and during the current term of any lease or tenancy agreement entered into or renewed before the eighth day of May One thousand nine hundred and forty-five nor shall those provisions apply as respects any premises the erection of which is commenced after the date of the commencement of this Law.

14.—Where after the determination by notice or otherwise of a lease, tenancy or sub-tenancy of any controlled dwelling, the tenant or sub-tenant remains in occupation of the premises, rent in respect of the demised premises (and of the furniture, if any, let in conjunction therewith) shall continue to run at the rate recoverable under the provisions of this Law previous to such determination in respect thereof and the acceptance by or on behalf of a landlord of rent at such rate as aforesaid after such determination shall not prejudice the right of the landlord to be granted an eviction order in respect of such premises.

15.—If any person shall be guilty of a breach of any of the provisions of this Law, that person shall be guilty of an offence under this Law and shall be liable, on conviction, in respect of any offence under this Law as regards which a penalty is not otherwise specifically provided, to a fine not exceeding One hundred Pounds or to imprisonment for a period not exceeding six months with or without hard labour or to both such fine and such imprisonment and without prejudice to any other method of recovery, where the offence consists of the receipt of any payment or consideration in contravention of any provision of this

Law, the Court, in addition to the infliction of any such penalty, may order that the amount or the value of the consideration so received shall, within such time and under such penalty as the Court may direct, be repaid to the person or persons by whom the payment was made or the consideration was given.

16.—Any application made to the Cadastre Committee by virtue of the provisions of this Law shall be made in such form as the Cadastre Committee shall prescribe and the Cadastre Committee shall supply such form of application free of cost to any person making a reasonable request for the same.

17.—The Royal Court is hereby empowered to make by Ordinance such regulations for the effectual operation of the provisions of this Law as it may deem necessary or expedient.

Extrait des Registres,

Ce 17 décembre, 1956.

JAMES E. LE PAGE,

Greffier de la Reine.