

CHAPTER 52.

RENT RESTRICTION.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title and commencement.
2. Interpretation.
3. Rent Assessment Committees.
4. Sittings.
5. Applications.
6. Notice of hearing.
7. Determination of rental value.
8. Review of rental value.
9. (1) Offences.
(2) Penalties.
10. Appeals.
11. Powers of Chairman.
12. Restriction on landlord's right of possession.
13. Rent Assessment Register.
14. (1) Savings.
(3) Application of Section 17 of Cap. 1.

CHAPTER 52.

RENT RESTRICTION.

19 of 1953. **An Ordinance to provide for the restriction of rentals for dwelling houses and shops in Sierra Leone, for the establishment of Rent Assessment Committees, for the restriction of a landlord's right of possession and for the purposes connected therewith.**

[4TH MARCH, 1954.]

Short title
and com-
mencement.

1. (1) This Ordinance may be cited as the Rent Restriction Ordinance.

* (2) This Ordinance shall come into operation on the date on which the Defence (Rent Assessment) Regulations, 1941, cease to have effect.

Interpreta-
tion.

2. In this Ordinance unless the context otherwise requires—
“dwelling house” means any house, or part of a house let or offered to be let for human habitation, but does not include any house or part of a house *bona fide* let at a rent which

* These Regulations ceased to have effect on the 4th March, 1954. (P.N. 11 of 1954.)

includes payments in respect of board or attendance or both board and attendance.

“shop” includes a store or warehouse and means any building or part of a building let or offered to be let for any profession, trade or business.

3. (1) The Governor may by Order establish such Committees to be known as Rent Assessment Committees (hereinafter called Committees) as he may deem necessary for the purposes of this Ordinance. Rent Assessment Committees.

(2) Each Committee shall have jurisdiction within such area as the Governor shall specify in the Order.

(3) The Governor may appoint such persons as he shall think fit, not being less than three in number, to be members of any Committee and shall appoint one of such members to be Chairman of the Committee. *

4. The Committee shall sit at such times and places as the Chairman shall direct to hear and determine applications for the assessment of rentals as hereinafter provided. The Committee shall not proceed to the business of any meeting except there are not less than three members present. In the absence of the Chairman the remaining members of the Committee shall appoint one from among their number to act as Chairman. Sittings.

5. The owner, tenant or sub-tenant of any dwelling house or shop and any person to whom an offer to let any dwelling house or shop has been made may make application to the Chairman of the Committee having jurisdiction within the area in which such dwelling house or shop is situated for the determination of the rental value thereof. Applications.

6. On receiving any application for the determination of the rental value of any dwelling house or shop the Chairman shall fix a day for the hearing of the application and shall cause notice thereof to be served on the applicant and on the landlord of such dwelling house or shop or his agent, and on such other persons as the Chairman may direct. Notice of hearing.

7. After considering the evidence adduced at the hearing of the application the Committee shall determine the rental value Determination of rental value.

* The Governor has delegated his powers under this sub-section to the Minister of Lands. (P.N. 62 of 1958.)

of the dwelling house or shop which is the subject of the application as follows—

(a) Where the terms on which the dwelling house or shop was let on 1st August, 1940, are proved to the satisfaction of the Committee, the rental value shall be determined in accordance with the terms so proved with an addition of twenty-five per centum to the rent payable thereunder;

(b) Where the dwelling house or shop was not let on 1st August, 1940, but had been let at any time within two years immediately prior to that date and the terms on which it was last let within such period are proved to the satisfaction of the Committee, the rental value shall be determined in accordance with the terms so proved with an addition of twenty-five per centum to the rent payable thereunder;

(c) Where the dwelling house or shop was first let after the 1st August, 1940, or where the dwelling house or shop was let on or within a period of two years prior to that date and the terms upon which it was so let are not proved to the satisfaction of the Committee, or where the dwelling house or shop was not let on or within a period of two years prior to the 1st August, 1940, the rental value shall be such as the Committee shall assess in accordance with the circumstances after having taken into account the rents obtaining in the same locality in respect of similar accommodation:

Provided that where the terms on which a dwelling house or shop was let on the 1st August, 1940, or on a date within two years immediately prior to 1st August, 1940, are proved to the satisfaction of the Committee and it is also proved that since the date in respect of which the terms of letting are proved, the condition of the dwelling house or shop has either been improved by expenditure on reasonable alterations and additions (not including expenditure on decoration or repairs) or deteriorated, the Committee shall in determining the rental value of such dwelling house or shop take into account such improvement or deterioration, as the case may be, and make such adjustment of the terms which have been proved as it may deem equitable.

Review of
rental value.

8. Where the rental value of any dwelling house or shop has been determined by the Committee and subsequently the condition of the dwelling house or shop is altered in any way the Committee may on the application of any person having an interest in such dwelling house or shop review and vary the rental value so determined in such manner as it may think just:

Provided that the rental value shall not be increased in consequence of any improvement or addition to the dwelling house or shop unless the Committee is satisfied that such improvement or addition was reasonably necessary in the circumstances or was made with the consent of the tenant.

9. (1) Where the rental value of any dwelling house or shop has been determined, or determined and subsequently varied, by the Committee or by the Supreme Court on appeal in accordance with this Ordinance— Offences.

(a) no person shall offer to let such premises for or demand or accept payment of a rental in excess of the rental value so determined or varied, as the case may be;

(b) no person shall as a condition of the grant, renewal or continuance of a tenancy or sub-tenancy of any such dwelling house or shop demand the payment of any fine, premium or other like sum or the giving of any other consideration whatsoever in addition to the rent except as may be authorised by the Committee or by the Supreme Court on appeal.

(2) Any person who contravenes the provisions of this section shall on summary conviction be liable, for a first offence, to a fine not exceeding one hundred pounds and in default to imprisonment for a period not exceeding one year and, for a second or subsequent offence to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year, and any payment made in contravention of this section shall be recoverable by the person by whom it was made. Penalties.

10. (1) Any person aggrieved by any decision of the Committee may appeal to the Supreme Court. Appeals.

(2) Every appeal against any decision of a Committee in the Colony shall be entered within fifteen days of the date of such decision, and every such appeal against any decision of a Committee in the Protectorate shall be entered within thirty days of the date of such decision.

(3) The Supreme Court if satisfied that the Committee against whose decision an appeal has been made has carried out its duties under this Ordinance fairly and reasonably shall confirm the decision of the Committee.

(4) If not so satisfied the Supreme Court may—

(a) remit the matter to the Committee for reconsideration with such directions as the Court may deem necessary; or

(b) determine the rental value of any dwelling house or shop the subject of the appeal in such manner as the Court shall think just, not being contrary to the provisions of this Ordinance; or

(c) quash any order made by the Committee and make such other order as the Court may deem necessary for the purpose of giving effect to this Ordinance.

Powers of
Chairman.

11. The Chairman of a Committee shall have all the powers of a Magistrate in regard to the issue of process for the attendance of witnesses, the production of documentary evidence and the examination of persons on oath and may administer oaths to persons who appear before the Committee to give evidence.

Restriction
on landlord's
right of
possession.

12. (1) Where the rental value of any dwelling house or shop has been determined under this Ordinance or is in course of being so determined no order or judgment for the recovery of possession of such dwelling house or shop or the ejection of a tenant therefrom shall be made or given by any Court unless—

(a) any rent lawfully due from the tenant has not been paid or any obligation of the tenancy (whether under the contract of tenancy or under an order made under this Ordinance) so far as it is consistent with the provisions of this Ordinance has been broken or not performed; or

(b) the tenant or any person residing or lodging with him or being the sub-tenant or any person residing or lodging with the sub-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 dwelling house or shop has, in the opinion of the Court, deteriorated owing to acts of waste by or the neglect or default of the tenant or any such person and where such person is a lodger or sub-tenant the Court is satisfied that the tenant has not before the making or giving of the order or judgment taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant; or

(c) the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the dwelling house or shop or has taken any other steps as a result of which he would, in the opinion of the Court, be seriously prejudiced if he could not obtain possession; or

(d) in the case of a dwelling house, it is reasonably required by the landlord for occupation as a residence for himself or his family or for some person engaged in his whole time

employment, and, in the case of a shop, it is reasonably required by the landlord for the purpose of carrying on his own profession, trade or business and no other and reasonable accommodation is available to him for such purpose; or

(e) the dwelling house or shop is reasonably required for any purpose which is in the opinion of the Court in the public interest.

(2) An order or judgment against a tenant for the recovery of possession of any dwelling house or ejection therefrom under 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 this section, except where the order or judgment is made or given on account of the act or misconduct of the sub-tenant.

13. (1) The Chairman of a Committee shall keep a book to be called the Rent Assessment Register in which he shall cause details of all applications made to the Committee and their determination thereof to be entered therein.

Rent
Assessment
Register.

(2) The following details shall be entered in respect of each application—

- (a) the number and date of the application;
- (b) the name of the applicant;
- (c) a sufficient description of the premises to identify them;
- (d) landlord's name and description;
- (e) tenant's name and description;
- (f) sub-tenant's name and description (if any);
- (g) rental value as determined by the Committee;
- (h) date of determination by the Committee; and
- (i) any details required by sub-section (3) of this section.

(3) Where the rental value of a dwelling house or shop has been reviewed under section 8, or when it has been the subject of an appeal to the Supreme Court, the Chairman shall cause details to be entered in red ink in the appropriate place in the Register.

(4) The Chairman of each Committee that is in existence on the coming into operation of this Ordinance shall cause similar entries to be made in the Register in chronological order of all applications made to the Committee under the Defence (Rent Assessment) Regulations, 1941.

P.N. 23 of
1941.

(5) The Chairman of a Committee shall allow any person to search the Register at any reasonable hour on payment of a fee of one shilling.

Savings.

P.N. 23 of
1941.

14. (1) All orders, decisions, appointments and directions made or given and all determinations of rentals made under the Defence (Rent Assessment) Regulations, 1941 (hereinafter referred to as "the said Regulations") and in force immediately prior to the coming into operation of this Ordinance shall be deemed to have been made or given, as the case may be, under this Ordinance and to have effect accordingly:

Provided that all such determinations of rentals shall be subject to review in accordance with the procedure prescribed in section 8.

(2) All Rent Assessment Committees established under the said Regulations and existing immediately prior to the coming into operation of this Ordinance shall be deemed to have been established hereunder.

Application
of section 17
of Cap. 1.

(3) Sub-sections (1) and (2) of section 17 of the Interpretation Ordinance shall apply to the said Regulations and to this Ordinance, as if—

(a) the said Regulations were an Ordinance; and

(b) this Ordinance had repealed and re-enacted the provisions of the said Regulations herein appearing.

TITLE VII.

GENERAL ADMINISTRATION.

CHAPTER.	PAGE.
53. MINISTERS' STATUTORY POWERS AND DUTIES ...	474
54. COMMISSIONS OF INQUIRY	477
55. CENSUS	482
56. RIOT DAMAGES	488
57. AUDIT	499
58. PUBLIC HOLIDAYS	504
59. MONUMENTS AND RELICS	506