

Reprint
as at 1 January 2008

Landlord and Tenant Act 1709

Landlord and Tenant Act 1709: ceased to have effect as part of the laws of New Zealand, on 1 January 2008, pursuant to section 365(1) of the Property Law Act 2007 (2007 No 91).

Imperial Act 18

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

Source: New Zealand Parliamentary Library, International Documents Collection

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An Act for the better security of rents and to prevent frauds committed by tenants.

1 Goods taken in execution not removed unless party taking pay rent due— Proviso as to the amount of rent— Power of sheriff

For the more easie and effectual recovery of rents reserved on leases for life or lives term of years at will or otherwise be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by authority of the same that from and after the first day of May which shall be in the year of our Lord one thousand seven hundred and ten no goods or chattels whatsoever lying or being in or upon any messuage lands or tenements which are or shall be leased for life or lives term of years at will or otherwise shall be liable to be taken by virtue of any execution on any pretence whatsoever unless the party at whose suit the said execution is sued out shall before the removal of such goods from off the said premisses by virtue of such execution or extent pay to the landlord of the said premisses or his bailiff all such sum or sums of money as are or shall be due for rent for the said premisses at the time of the taking such goods or chattels by virtue of such execution Provided the said arrears of rent do not amount to more than one years rent and in case the said arrears shall exceed one years rent then the said party at whose suit such execution is sued out paying the said landlord or his bailiff one years rent may proceed to execute his judgment as he might have done before the making of this Act and the sheriff or other officer is hereby impowered and required to levy and pay to the plaintiff as well the money so paid for rent as the execution money

4 Action for arrear of rent against tenant for life

And whereas no action of debt lies against a tenant for life or lives for any arrears of rent during the continuance of such estate for life or lives Be it enacted by the authority aforesaid that from and after the said first day of May it shall and may be lawful for any person or persons having any rent in arrear or due upon any lease or demise for life or lives to bring an action or actions of debt for such arrears of rent in the same manner as they might have done in case such rent were due and reserved upon a lease for years

6 Distress for arrears on leases determined

And whereas tenants per auter vie and lessees for years or at will frequently hold over the tenements to them demised after the determination of such leases And whereas after the determination of such or any other leases no distress can by law be made for any arrears of rent that grew due on such respective leases before the determination thereof it is hereby further enacted by the authority aforesaid that from and after the said first day of May one thousand seven hundred and ten it shall and may be lawful for any person or persons having any rent in arrear or due upon any lease for life or lives or for years or at will ended or determined to distrain for such arrears after the determination of the said respective leases in the same manner as they might have done if such lease or leases had not been ended or determined.

7 Limitation of such distress

Provided that such distress be made within the space of six calendar months after the determination of such lease and during the continuance of such landlords title or interest and during the possession of the tenant from whom such arrears became due

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Notes**1 General**

This is an eprint of the Landlord and Tenant Act 1709. It incorporates all the amendments to the Act as at 1 January 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Property Law Act 2007 (2007 No 91): section 365(1)
