

ACT 220
RENT ACT, 1963

ARRANGEMENT OF SECTIONS

Application of Act

SECTION

1. Application of the Act.

Administration of the Act

2. Rent Commissioner.
3. Rent officers.
4. Continuance in service of existing officers.
5. Functions of rent officers.

Rent Magistrate

6. Functions of the Rent Magistrate.
7. Procedure of the Rent Magistrate.
8. Decision on recoverable rent.
9. Other functions of the Rent Magistrate.

Assessment of Recoverable Rent

10. Application for assessment of recoverable rent.
11. Reference to Rent Magistrate to assess recoverable rent.
12. Appeal for variation of recoverable rent.
13. Assessment of recoverable rent by Minister.
14. Matters for assessing recoverable rent.
15. Certificate relating to recoverable rent.
16. Date on which recoverable rent becomes payable.

Recovery of Possession and Ejectment

17. Recovery of possession and ejectment.
18. Option to new tenancy of remodelled premises.

Obligations of Landlords

19. Rent increase resulting from increase in rates.
20. Rent cards.
21. Compensation for improvements.
22. Control of sub-letting.
23. Prohibition on serving notice to quit.
24. Award of costs.

Offences

25. Offences, general.
26. Offences by agents and servants.
27. Offence for inducing tenant to quit.

SECTION

28. Prohibition on demanding premium.
29. Obligations of statutory tenants.
30. Furnished premises.
31. Rates in relation to rent.
32. Excess rent paid in advance.
33. Receipt for rent to be supplied.

Miscellaneous

34. Appeals under other enactments.
35. Regulations.
36. Interpretation.
37. Amendment and repeals.
38. Commencement of Act.

ACT 220

RENT ACT, 1963¹

AN ACT to consolidate and amend the law relating to the control of rents and the recovery of the possession of premises in certain cases, to amend existing enactments and to provide for related matters.

*Application of Act***1. Application of the Act**

- (1) Subject to subsection (2), this Act applies to all premises.
- (2) This Act does not apply to
 - (a) premises of which a public officer is a tenant by reason of employment and of which premises the Government is the landlord;
 - (b) a lease of premises where the lease, whether entered into or renewed before, on or after the date of the commencement of this Act, was entered into or renewed as a lease of land on which there were no premises at the time of the grant or renewal of the lease;
 - (c) a lease after the erection of the new premises, where the lease, whether entered into, before, on or after the date of the commencement of this Act, was entered into as a lease of land on which there were premises but the premises were demolished and new premises erected within five years after the grant of the lease;
 - (d) a lease certified as being valid under the law relating to concessions;
 - (e) a lease under which the landlord is the Government and which relates to premises certified by the Minister as being premises let at a rent which does not yield a financial gain to the Government;

1. This Act was assented to on 12th December, 1963.

- (f) a market stall owned by a District Assembly;
 - (g) a land subject to the Rents (Stabilisation) Act, 1962 (Act 109)² or the Regulations made under that Act; or
 - (h) prescribed premises.
- (3) This Act, except as otherwise provided, applies to the Republic.

Administration of the Act

2. Rent Commissioner

In accordance with article 195 of the Constitution, the President shall appoint, for the purposes of this Act, a Rent Commissioner with responsibility, subject to the general or special directions of the Minister, for the general administration of this Act.

3. Rent officers

(1) The President shall appoint, for the purposes of this Act, and in accordance with article 195 of the Constitution,

- (a) a chief rent officer,
- (b) principal rent officers,
- (c) senior rent officers,
- (d) rent officers,
- (e) senior assistant rent officers,
- (f) assistant rent officers, and
- (g) any other prescribed employees.

(2) The functions assigned to the officers specified in paragraphs (b) to (f) of subsection (1) shall only be performed in relation to the areas for which they are appointed.

4. Continuance in service of existing officers

(1) Despite the repeal of the Rent Control Ordinance, 1952 (No. 2),³ an officer appointed under that Ordinance and in service immediately before the commencement of this Act shall be deemed to be an officer appointed for the purposes of this Act.

(2) In calculating a pension, gratuity or any other allowance to which that officer may be eligible, the service of that officer shall be deemed to have commenced on the date the officer was appointed under the Ordinance.

5. Functions of rent officers

(1) Subject to this Act, a rent officer

- (a) may assess the recoverable rent of any premises, whether or not the premises are occupied, on an application made by a landlord a tenant or any person interested in the premises, after an enquiry conducted by the rent officer;

2. Repealed by the Rents Stabilisation Act (Repeal) Decree, 1966 (N.L.C.D. 49).

3. See footnote 6.

- (b) shall investigate, in the manner that the rent officer thinks fit, complaints by a landlord against a tenant in respect of arrears of rent and complaints by a landlord, tenant or any other person interested in the premises against any other person in respect of any other matter mentioned in this Act, and shall make a determination on that complaint or matter;
 - (c) shall investigate and determine in the manner that the rent officer thinks fit, a matter relating to this Act referred to the rent officer by the Minister or a Rent Magistrate;
 - (d) shall prepare rent registers and any other prescribed documents and specify in the registers or documents the prescribed particulars;
 - (e) shall maintain a register of vacant premises for prospective clients and on application made by a client, shall furnish information concerning those premises;
 - (f) may examine a landlord, tenant or any other person for the purpose of ascertaining whether this Act or of a statutory instrument made under this Act is being observed;
 - (g) may take measures against tenants who have absconded from the premises and may, for that purpose, force open the doors of, and search, any premises under the authority of an order made by a Rent Magistrate;
 - (h) may make complaints to a Rent Magistrate that an offence under this Act has been committed for the purpose of investigation and determination by the rent officer, and may subject to article 88 of the Constitution, conduct the prosecution of the offender before the Magistrate, but a public prosecutor appointed generally may intervene and assume the conduct of the prosecution; and
 - (i) shall perform any other functions for the purpose of carrying into effect the principles of this Act as directed by the Minister.
- (2) A rent officer performing a function under this Act
- (a) may require the attendance of parties and witnesses and may examine them on oath or otherwise;
 - (b) may subject to article 135 of the Constitution, require the discovery, inspection and production of documents;
 - (c) may enter and view, or order the inspection of, premises under consideration by the rent officer;
 - (d) may call in one or more assessors or experts to assist in the determination of a matter, the subject of consideration by the rent officer;
 - (e) may require a landlord of premises within the area for which that officer was appointed to furnish information which the rent officer requires for performing the functions under this Act; or
 - (f) shall make a person, known to the rent officer as interested in securing an unoccupied premises for rent, a party to an enquiry held for assessing the recoverable rent of those premises.

(3) A rent officer may take into consideration a matter which that rent officer considers relevant and give weight to a matter that the rent officer may think fit, although that matter is not admissible under the law relating to evidence.

(4) Except as otherwise provided by or under this Act, a rent officer shall not alter a condition of the tenancy other than the amount of recoverable rent.

Rent Magistrate

6. Functions of the Rent Magistrate

(1) A Rent Magistrate

- (a) may by order, on an appeal by a landlord, tenant or any other person interested in the premises, who is dissatisfied with the amount of the recoverable rent of the premises as assessed by the rent officer, vary the amount;
- (b) may by order, on an appeal by a landlord, tenant or any other person interested in the premises from a determination of a rent officer under this Act on any other matter, decide that matter;
- (c) may by order, on a reference made by the Minister, assess the amount of the recoverable rent of any premises; and
- (d) may make an order for the ejection of a tenant from premises situated within the area of jurisdiction of the rent officer.

(2) Without prejudice to subsection (1), the Rent Magistrate shall decide a matter which is required by this Act to be determined by the Rent Magistrate or if the matter is referred by the Minister or the rent officer by or under this Act.

7. Procedure of the Rent Magistrate

Subject to this Act and the Regulations, a District Magistrate functioning as a Rent Magistrate for the purposes of this Act shall have the same powers and observe the same procedure as a District Magistrate has and observes in the exercise of the ordinary jurisdiction of that Magistrate.

8. Decision on recoverable rent

An assessment of a Rent Magistrate as to the amount of the recoverable rent of any premises is subject to an appeal to the High Court.⁴

9. Other functions of Rent Magistrate

(1) A Rent Magistrate shall, in making a determination, an order or a decision under this Act, take into account a relevant matter despite the inadmissibility of that matter under the law relating to evidence.

(2) Except as otherwise provided by or under this Act, a Rent Magistrate shall not alter a condition of the tenancy other than the amount of the recoverable rent.

4. The section limited appeals to the High Court in questions of law only. The section has been recast in view of clause (3) of article 125 of the Constitution.

*Assessment of Recoverable Rent***10. Application for assessment of recoverable rent**

(1) A landlord or tenant of premises or any other person interested in the premises may apply to a rent officer, in accordance with the Regulations, to assess the amount of the recoverable rent of those premises, whether or not the premises are occupied.

(2) For the purposes of subsection (1), the rent officer shall not entertain an application for an assessment of the premises, if an assessment has been made previously by that rent officer or a Rent Magistrate, unless the rent officer is satisfied that

- (a) the circumstances affecting the question of the rent of the premises have materially altered since the last assessment of the rent of the premises, or
- (b) the last assessment of the rent of the premises was obtained by fraud, misrepresentation or mistake, or
- (c) fresh evidence of a material nature, which could not by the exercise of reasonable diligence have been produced when the last assessment of the rent of the premises was made, is now available, or
- (d) the last assessment of the rent of the premises was made in the absence of a necessary or proper party whose absence was not due to a default or neglect on the part of that party, or
- (e) in the opinion of the rent officer injustice has been occasioned.

11. Reference to Rent Magistrate to assess recoverable rent

The Minister may request a Rent Magistrate to assess, in accordance with the Regulations, the amount of the recoverable rent of any premises.

12. Appeal for variation of recoverable rent

(1) The landlord or tenant of any premises or a person interested in those premises may appeal to a Rent Magistrate, in the prescribed form, for the assessment by a rent officer of the amount of the recoverable rent of the premises within seven days after the assessment.

(2) A person appealing under subsection (1) shall, within ten days after the assessment, send a copy of the statement of appeal to that officer with a request to that officer to transmit to the Rent Magistrate within fourteen days after the receipt by the officer of the request

- (a) copies of the relevant documents certified by the rent officer to be exact copies of those documents,
- (b) a statement of the facts of the matter, and
- (c) the reason for the assessment.

(3) The rent officer referred to in subsection (2) shall, within fourteen days after the receipt of the request mentioned in that subsection, comply with the request.

(4) A person appealing under subsection (1) shall, within fourteen days after the assessment, send copies of the statement of appeal to the landlord, the tenant and any other person interested in the premises.

- (5) The Rent Magistrate to whom an appeal is made under subsection (1)
- (a) may refer a matter relating to the appeal for the further investigation of the rent officer; or
 - (b) may, in accordance with this Act and the Regulations, vary the amount of the assessment.

13. Assessment of recoverable rent by Minister

The Minister may, by executive instrument, assess the amount of the recoverable rent in respect of premises of a similar type in similar localities and, in particular, in respect of the premises established out of public funds.

14. Matters for assessing recoverable rent

A rent officer or a Rent Magistrate, for the purposes of assessing the amount of recoverable rent of any premises, shall take into account

- (a) the rateable value of the premises for the assessment of rates on those premises;
- (b) the value of the land on which the premises are situated;
- (c) the amount of the annual rates in respect of the premises, and where the premises are let in part, an apportionment of the rates attributable to that part;
- (d) the recoverable rent assessed for similar premises by the Minister under section 13;
- (e) the estimated cost in respect of repairs or the maintenance of the premises;
- (f) the amount of the recoverable rent for like premises;
- (g) the current rate of interest charged by the Ghana Commercial Bank on overdrafts;
- (h) the obligations of the landlord, tenant and any other person interested in the premises under the lease; and
- (i) the justice and merits of each particular case.

15. Certificate relating to recoverable rent

Where a rent officer or a Rent Magistrate assesses the amount of the recoverable rent in respect of any premises, the rent officer or the Rent Magistrate shall, as soon as practicable, issue a certificate specifying

- (a) the amount of the recoverable rent of the premises assessed by that officer or Magistrate,
- (b) the rates, or where part of the premises are let, the apportionment of the rates attributable to that part,
- (c) if the premises are let together with fixtures and furniture, the amount of the rent apportioned for the premises without the fixtures and furniture and the amount of the rent for the fixtures and furniture, and
- (d) any other prescribed particulars.

16. Date on which recoverable rent becomes payable

(1) Where the amount of the recoverable rent of any premises assessed for the first time under this Act, or is assessed at an amount not more than the recoverable rent of the premises immediately before the assessment, and an appeal has not been lodged the amount shall become payable with effect from the end of the month following the month in which the assessment was made.

(2) Where the amount of the recoverable rent of the premises is assessed at an amount more than the amount of recoverable rent of the premises and an appeal does not lie from that assessment, the amount shall become payable, if, but only if, one month's notice in writing of the landlord's intention to collect the amount in the future has been given to the tenant.

(3) Where the notice referred to in subsection (2) has not been given by the landlord, the recoverable rent payable in respect of the premises shall be the recoverable rent payable in respect of the premises immediately before the assessment mentioned in that subsection.

(4) Where the notice referred to in subsection (2) is given by the landlord, the amount of the recoverable rent shall become payable at the end of the month following the month in which the notice was given.

(5) Where a Rent Magistrate assesses the recoverable rent of any premises under this Act at an amount different from the rent previously payable, the amount becomes payable as from a date fixed by the Magistrate but not earlier than the date on which the recoverable rent would have become payable in accordance with the appropriate provisions of this section.⁵

*Recovery of Possession and Ejectment***17. Recovery of possession and ejectment**

(1) Subject to subsection (2) of section 25 and to section 28, an order against a tenant for the recovery of the possession of, or for the ejectment from, any premises shall not be made or given by the Rent Magistrate, or any other judge of a court of competent jurisdiction in accordance with any other enactment except

- (a) where a rent lawfully due from the tenant has not been paid or tendered within one month after the date on which it became lawfully due;

5. The section contained illustrations which are all out of date. These are:

Illustrations

- (a) Where the recoverable rent is reduced from [five cedis] each month to [four cedis] each month on December 14, 1963, the monthly recoverable rent of [four cedis] shall become payable on and after February 11, 1964.
- (b) Where the recoverable rent has increased from [five cedis] each month to [six cedis] each month on December 14, 1963, and the one month's notice referred to in subsection (2) is not given, the monthly recoverable rent shall continue to be [five cedis].
- (c) Where the recoverable rent has been increased from [five cedis] each month to [six cedis] each month on December 14, 1963 and the one month's notice referred to in subsection (2) was given on December 18, 1963, the monthly recoverable rent of [six cedis] shall become payable on and after February 1, 1964.
- (d) When a [rent magistrate] alters the monthly rent of premises from [five cedis to four cedis] on December 14, 1963, the [rent magistrate] shall not be able to fix a date earlier than February 1, 1964 as the date from which the monthly rent of [four cedis] shall be payable.

- (b) where an obligation of the tenancy, other than that specified in paragraph (a), so far as that obligation is consistent with this Act, has been broken or not performed;
- (c) where the tenant or a person residing with the tenant has been guilty of conduct which is a nuisance or an annoyance to adjoining occupiers;
- (d) where the tenant or a person residing with the tenant has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose;
- (e) where the condition of the premises has in the opinion of the Rent Magistrate or judge deteriorated owing to acts of waste by, or the neglect or default of, the tenant or a person residing with the tenant;
- (f) where the tenant has given notice of the intention to quit in writing and in consequence of the notice the landlord has contracted to sell or let the premises or has taken any other steps as a result of which the tenant would, in the opinion of the Rent Magistrate or judge, be seriously prejudiced if the tenant could not obtain possession;
- (g) where the premises are reasonably required by the landlord for personal occupation as a dwelling house by the landlord, a member of the family of the landlord or a person in the whole-time employment of the landlord, the premises being constructed to be used as a dwelling house, but
 - (i) the circumstance that the premises are reasonably required by the landlord for personal occupation by someone in the employment of the landlord shall not be a sufficient circumstance if the Magistrate or judge is not satisfied that the landlord usually provides premises for occupation by an employee of the class to which that employee belongs, and
 - (ii) an order shall not be made if the Rent Magistrate or judge is satisfied having regard to the circumstances of the case, including an alternative accommodation available for the person for whose occupation the premises are required or for the tenant, that greater hardship would be caused by granting the order than by refusing it;
- (h) where the lease has expired and the premises are reasonably required by the landlord to be used by the landlord for the landlord's own business purposes, the premises being constructed to be used as business premises, if the landlord has given not less than six months' written notice to the tenant of the intention to apply for an order for the recovery of the possession of, or the ejection from, the premises;
- (i) where the premises were let to the tenant by reason of the tenant's employment in the service of the landlord and the employment has ceased; and
- (j) where the landlord was personally in occupation of the premises and has let the premises substantially furnished for a term during the landlord's absence from the Republic or that area of the Republic in which the premises are situated and has returned and requires the re-occupation of the premises for personal occupation; but an order granting the possession of, or the ejection from, the premises shall not be granted on or after the commencement of this Act, unless the lease is in writing and sets out that the

lease has been granted for a term during the absence of the landlord from the Republic or that area.

(2) Subsection (1) does not apply except where the lease has expired and the tenant is a statutory tenant and the landlord

- (a) intends to pull down the premises and construct new premises, or
- (b) intends to remodel the premises and the remodelling cannot be carried out with the tenant in occupation, or
- (c) requires possession of the premises to carry out a scheme of re-development, if the landlord has given not less than six months' written notice to the tenant of the intention to apply for an order for the recovery of the possession of, or the ejectment from, the premises, but
 - (i) the Rent Magistrate or judge may, on making or giving an order under this paragraph, make it a condition that if the landlord fails to carry out that intention within the period allowed by the Rent Magistrate or judge the landlord shall reinstate the former tenant as a statutory tenant at the same rent as that formerly payable or pay to the tenant a compensation that the Rent Magistrate or judge considers reasonable,
 - (ii) the Rent Magistrate or judge shall cause a copy of the order to be served on the rent officer for the area where the premises are situated, and that officer shall take the proceedings that are necessary to ensure compliance with the terms of the order, and
 - (iii) the making or giving of an order under this paragraph in the circumstances specified in subsection (2) (b) is subject to an option of the tenant to acquire under section 18, a new statutory tenancy of any premises remodelled to which the order relates;

(3) Subsection (1) does not apply to

- (a) proceedings by a person claiming under a title adverse and superior to that under which the original tenancy by virtue of which the tenant became entitled to retain possession was derived, or
- (b) proceedings against a derivative landlord, or
- (c) proceedings by or on behalf of the Republic.

(4) The Rent Magistrate or judge making or giving an order or judgment for the recovery of the possession of premises or for the ejectment of a tenant from those premises, may stay or suspend execution of the order or judgment or postpone the date of possession for the period specified by the Rent Magistrate or judge and subject to the conditions, in regard to payment by the tenant of arrears of rent, mesne profits and any other sums of money that the Rent Magistrate or judge thinks fit and if the conditions are complied with, the Rent Magistrate or judge may discharge or rescind the order or judgment.

(5) An order for recovery of possession or ejectment given or made under paragraph (g) of subsection (1) shall state in full the name of the person who is to occupy the premises.

(6) An order or a judgment against a tenant for the recovery of the possession of premises or the ejectment from those premises made or given under this section or of

subsection (2) of section 25 shall not affect the right of a subtenant to whom the premises or a part of the premises were lawfully sub-let before proceedings for recovery of possession or ejection were commenced, to retain possession under this section, and the order or judgment shall declare whether it shall be enforced against a sub-tenant or not.

(7) A sub-tenant against whom an order or judgment is not enforceable shall, if the sub-tenant remains in possession after notice of the order or judgment, cease to be a sub-tenant of the tenant and become a tenant of the landlord.

(8) A landlord in whose favour an order for recovery of the possession of, or the ejection from, premises on a ground specified in paragraph (g), (h) or (j) of subsection (1) has been made or given shall not, within two years from the date of the order, let the premises or a part of the premises without an order of the Rent Magistrate, except, in the case of an order on a ground specified in the paragraph (g), to the person for whom the premises were stated to be required in the proceedings in which the recovery or ejection was obtained.

18. Option to new tenancy of remodelled premises

(1) Where possession of premises is required for the grounds set out in paragraph (b) of subsection (2) of section 17, and the premises are vacated

- (a) pursuant to an order of the Rent Magistrate or judge, or
- (b) voluntarily after a notice given by the landlord,

the statutory tenant dispossessed shall have an option to be reinstated in the premises remodelled at the recoverable rent assessed in accordance with subsection (4) of this section.

(2) A statutory tenant vacating the premises in accordance with subsection (1) shall give the name and address of the tenant to the rent officer, if that tenant proposes to exercise the option referred to in subsection (1).

(3) On application made by a tenant of the premises referred to in subsection (1) to the Rent Magistrate or judge having jurisdiction over the area in which the premises are situated, the Rent Magistrate or judge may determine whether or not the tenant is entitled to reinstatement and make an order for the reinstatement of the tenant, if the tenant is entitled.

(4) Within one month after the completion of the renovating of the premises, the landlord shall apply to the rent officer for the assessment of the recoverable rent for the premises and the rent officer shall make the assessment.

(5) A statutory tenant of premises who has given the name and address under subsection (2) shall be made a party to the proceedings for the fixing of the recoverable rent for the premises before the rent officer.

(6) Where more than one person is entitled to be reinstated under subsection (1) and the remodelled premises contain insufficient accommodation for those tenants to be reinstated, priority shall, in default of agreement among the former tenants, be given to the tenant whose former tenancy was earlier in date.

(7) Where a distinction cannot be made between one former tenant and another of the premises, in respect of priority of dates, the landlord of those premises shall apply to the Rent Magistrate or judge for a declaration as to the person entitled to be granted a tenancy.

(8) The Rent Magistrate or judge shall consider the balance of hardship between the former tenants and determine the person entitled to the tenancy.

(9) This section does not apply where possession of premises was taken under paragraph (b) of subsection (2) of section 17 and where on application subsequently made by the landlord or by a former tenant, the Rent Magistrate or judge is satisfied that the premises at the date of the application are unsuitable for use by the former tenants.

Obligations of Landlords

19. Rent increase resulting from increase in rates

(1) A landlord of premises shall not collect from the tenant of the premises an increase of rent attributable to an increase of rates in respect of those premises unless the landlord has notified the tenant previously in writing in the prescribed form the amount of the old rates, the amount of the new rates, and where a part of the premises is let, the amount of the rates attributable to that part, the amount of the increase in rent and the date from which the new rates take effect.

(2) Where a part of the premises is let and there is an increase in the rates in respect of the whole of those premises, a landlord shall not, unless the amount and increase have been approved by the rent officer,

- (a) fix the amount of the rates attributable to that part, or
- (b) collect an increase in rent in respect of that part.

(3) A landlord of, or other person interested in, any premises, shall not collect the increase in rent attributable to an increase in rates in respect of a period before the increased rates were assessed.

20. Rent cards

(1) A landlord of premises on monthly or shorter tenancies shall issue to the tenant of the premises, within seven days after the commencement of the tenancy, a rent card specifying

- (a) the name and address of the landlord of the premises,
- (b) the name and address of the tenant of the premises,
- (c) the amount of the recoverable rent of the premises, and
- (d) and any other prescribed particulars.

(2) Where the particulars specified in a rent card are altered, the landlord shall call for the rent card from the tenant and make the appropriate alterations, within seven days after the alterations are decided on.

21. Compensation for improvements

Where a tenant who has made improvements to the premises, with the approval of the landlord, is requested to vacate those premises before the prescribed period, the landlord of those premises shall pay compensation for the improvements that may be ordered by the rent officer within the period specified by the rent officer.

22. Control of sub-letting

(1) A person, in the case of a monthly or shorter tenancy of premises, shall not sub-let the premises without the written consent of the landlord.

(2) A person in the case of a tenancy of premises, other than the tenancy specified in subsection (1), shall not sub-let those premises, in the absence of express agreement in writing to the contrary, for a period in excess of the period of the tenancy.

(3) A person sub-letting premises shall inform the landlord in writing within fourteen days after that person has sub-let the premises of the fact of the sub-letting and its terms.

23. Prohibition on serving notice to quit

A landlord of premises shall not serve a notice to quit on a tenant of the premises within two years from the date of an assessment order or a decision of the rent officer from which there has not been an appeal or of the Rent Magistrate or of a judge of a court of competent jurisdiction, unless the lease is due to expire within that period of two years.

24. Award of costs

A rent officer shall not award costs, or receive payment for a service except the salary and any other prescribed remuneration.

*Offences***25. Offences, general**

- (1) A person who, in respect of any premises
- (a) demands or receives more than the recoverable rent for those premises despite a lease to the contrary,
 - (b) demands or receives a consideration, whether in money or in kind or in any other manner and whether by way of rent, fine, premium or otherwise, for the grant, renewal, continuance or assignment of a tenancy,
 - (c) being or acting as an agent or broker or go-between demands or receives for services in connection with the procuring of a grant, renewal, continuance or an assignment of a tenancy, a consideration which exceeds five percent of the recoverable rent for one year of those premises,
 - (d) where the purchase or hire of furniture, fittings, fixtures or any other articles is required by that person as a condition for the grant, renewal, continuance or assignment of a tenancy, demands or receives a price or consideration for the purchase or hire in excess of a reasonable price or consideration for the purchase or hire,
 - (e) enters into or carries out a fictitious or an artificial agreement which has the effect of attempting to defeat the objects of this Act,
 - (f) being a landlord fails to furnish an information the landlord is required to furnish by or under this Act,
 - (g) being a landlord of premises ejects a tenant of the premises for failing to pay more than the recoverable rent of the premises,

- (h) being a landlord and having remodelled premises after obtaining possession under paragraph (a) of subsection (2) of section 17 fails to comply with the requirements of section 18, or
- (i) contravenes any other provision of the Act,

commits an offence and is liable on conviction by the Rent Magistrate to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) On the hearing of a charge alleging the contravention of a provision of subsection (1), the Rent Magistrate in addition to imposing a fine if the accused is convicted, may order the accused to pay the tenant one or more of the following sums of money as may be appropriate to the case:

- (a) a sum of money received in excess of the rent lawfully recoverable,
- (b) the amount of the value of the consideration paid in contravention of a provision of paragraph (b) or (c) of subsection (1),
- (c) the amount by which the price or consideration for the purchase or hire referred to in paragraph (d) of subsection (1) exceeds a reasonable price or consideration; and

the Rent Magistrate may, if the accused is a principal tenant, order the ejection of the accused.

(3) This section does not prejudice the right of a person to recover by civil action the sums of money which the Rent Magistrate may order to be paid under subsection (2).

(4) Where a diminution of the rights of the tenant to use accommodation in common with others which renders the letting less favourable to the tenant without a corresponding reduction in rent, that circumstance for the purpose of this Act, constitutes an increase in rent.

(5) A person who as a condition of the grant, renewal or continuance of a tenancy demands in the case of a monthly or shorter tenancy, the payment in advance of more than a month's rent or in the case of a tenancy exceeding six months, the payment in advance of more than six months rent, commits an offence and is liable on conviction by the Rent Magistrate to a fine not exceeding two hundred and fifty penalty units.

(6) Despite anything in subsection (1), an assignor may, if apart from this section the assignor would be entitled so to do, require the payment by the assignee

- (a) of so much of the outgoing discharged by the assignor as is referable to a period after the assignment takes effect;
- (b) of a sum of money not exceeding the amount of an expenditure reasonably incurred by the assignor in carrying out a structural alteration of the premises or in providing or improving fixtures, in the premises being fixtures which as against the landlord the assignor is not entitled to remove;
- (c) where the assignor became a tenant of the premises by virtue of an assignment of the tenancy, of a sum of money not exceeding a reasonable amount paid by the assignor to the first assignor in respect of expenditure incurred by that assignor, or by a previous assignor of the tenancy, in carrying out the alteration or in providing or improving the fixtures which are mentioned in paragraph (b) of this subsection; or

- (d) where the premises or a part of the premises are used as a shop or office, or for business, trade or professional purposes, of a reasonable amount of money in respect of the goodwill of the business, trade or profession, being goodwill transferred to the assignee in connection with the assignment or accruing to the assignee in consequence of the transfer.

26. Offences by agents and servants

(1) Where an offence which may be committed by a landlord or tenant under this Act has in fact been committed by the landlord's agent or servant, the agent or servant is liable to the like penalty as if the agent or the servant were the landlord or the tenant.

(2) A landlord or tenant, who would have committed an offence under this Act for anything done or omitted to be done by the landlord or tenant personally, commits that offence if that thing is done or omitted by that agent or servant of the landlord or tenant, unless the landlord or tenant proves that reasonable precautions were taken to prevent the doing or omission of that thing.

27. Offence for inducing tenant to quit

(1) A person who does an act or refrains from doing anything which the conditions of the tenancy require that person to do, with intent to compel the lessee of premises to give up possession of the premises, commits an offence and is liable on conviction by the Rent Magistrate to a fine not exceeding one hundred and fifty penalty units.

(2) On the hearing of a charge alleging the contravention of a provision of subsection (1), the Rent Magistrate if the accused is convicted and in addition to imposing a fine may order the accused to pay to the lessee of the premises, a sum of money which appears to the Rent Magistrate reasonable to compensate the lessee for the costs, damages, or loss or inconvenience sustained by the lessee by reason of the act or omission and, the Rent Magistrate may make an order reinstating the lessee in the premises.

28. Prohibition on demanding premium

(1) Where a statutory tenant demands or receives the payment of a fine or premium or any other consideration for giving up possession of premises to the landlord or to any other person with or without the knowledge or approval of the landlord, the tenant commits an offence and is liable on conviction by the Rent Magistrate to a term of imprisonment not exceeding three months or to a fine not exceeding one hundred and fifty penalty units or to both the imprisonment and the fine.

(2) For the purposes of subsection (1) the demanding or receiving of a price or consideration for furniture, fittings, fixtures or any other articles in excess of a reasonable price or consideration constitutes the demanding or receiving of a premium.

(3) On the hearing of a charge alleging the contravention of a provision of subsection (1), the Rent Magistrate on conviction of the accused and in addition to imposing a fine,

- (a) may order the accused to pay the person from whom the fine, premium or the other consideration has been received the amount of the fine, premium or the other consideration wrongfully received, including the amount by which the price or consideration paid for the furniture, fittings, fixtures or any other articles exceeds the reasonable value of those articles, and

- (b) may order the ejectment of the tenant.

29. Obligations of statutory tenants

- (1) A statutory tenant, so long as the statutory tenant retains possession,
- (a) shall hold the premises as a tenant from month to month, and subject to that tenancy shall observe and is entitled to the benefit of the terms and conditions of the original tenancy, so far as those terms and conditions are consistent with this Act, but in the case of a tenant who has become a statutory tenant by reason of paragraph (c) of the definition of "statutory tenant" in section 36, the statutory tenant shall in addition hold the premises subject to the restrictive covenants contained in the terms and conditions of the lease between the landlord and the principal tenant;
 - (b) may determine the tenancy by a notice which would have been required by law to determine a monthly tenancy of the premises where that law does not contain an express provision for determination; and
 - (c) is subject to the rights and powers conferred on a landlord under and by virtue of a provision of law relating to distress for arrears of rent.

30. Furnished premises

(1) Where premises are let together with furniture or fixtures the combined recoverable rent of the premises and furniture or fixtures is the rent at which the premises were let with furniture or fixtures on the first day of July, 1960.

(2) Where the premises were not let on the first day of July, 1960, with furniture or fixtures the recoverable rent is the rent at which they were last let before that date.

(3) In the case of premises which were first let after that date the recoverable rent if the recoverable rent of the premises let unfurnished and without fixtures with the addition per month of one-sixtieth of the true value of the furniture or fixture at the date of the commencement of the tenancy.

(4) For the purposes of subsections (1), (2) and (3), if a combined recoverable rent is assessed under this Act, that rent shall be the combined recoverable rent.

31. Rates in relation to rent

This Act shall not be construed to prevent a landlord from collecting from the tenant

- (a) the rates payable in respect of the premises, or
- (b) an apportioned sum of money properly attributable to the premises in respect of rates, if the obligation of paying rates in respect of the premises was assumed by the tenant under the terms of the lease, or
- (c) when the recoverable rent for the premises has been assessed under this Act, if the obligation of payment of rates was stated in the order assessing the rent to be payable by the tenant.

32. Excess rent paid in advance

(1) Where a recoverable rent applies under this Act and prior to the commencement of this Act a landlord has received a payment of rent in advance for periods of the tenancy which have not commenced on the date on which the rent commenced to apply, the excess of rent shall be applied by the landlord as the rent for the next succeeding periods until out of the total moneys paid in advance the landlord retains only an amount equal to the recoverable rent for the period for which rent may lawfully be demanded in advance.

(2) Where a tenancy is determined by any means prior to the application by the landlord of the whole of the excess, the balance unapplied may be recovered from the landlord by the tenant as if it were a debt due from the landlord to the tenant.

33. Receipt for rent to be supplied

At the time of payment to a landlord of a sum of money in respect of rent for premises, or of rent for premises and for the use of furniture or fixtures, the landlord shall provide the person making the payment with a receipt in writing duly stamped if a stamp is required under any other enactment, specifying the premises in respect of which the rent is paid, whether the premises are furnished or unfurnished, the amount paid, the period in respect of which the payment is made and the name of the tenant.

*Miscellaneous***34. Appeals under other enactments**

Except as otherwise expressly provided this Act does not affect the right of a person convicted by or aggrieved by an order or decision of, the Rent Magistrate under this Act, to appeal to any other Court in accordance with any other enactment.

35. Regulations

(1) The Minister may, by legislative instrument, make Regulations that are necessary for giving effect to this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations in respect of

- (a) the assessment of the amount of the recoverable rent;
- (b) the matters that are required by this Act to be prescribed or as may be authorised to be made by Regulations;
- (c) the inspection of premises and any other places for the purposes of this Act;
- (d) the form of registers, records, returns and any other documents to be maintained or issued for carrying out this Act, the particulars to be specified in those documents, the manner in which the documents shall be prepared and the persons obliged to keep those documents;
- (e) the time within which, the form of, and the manner in which, applications, references or appeals may be made under this Act;
- (f) the procedure to be observed at the hearing of the applications, references or appeals;

- (g) the places where the registers, records, returns and other documents shall be kept;
- (h) the fees to be paid for a matter which may be necessary for carrying out this Act; and
- (i) the prohibition of the obstruction of officers and any other persons appointed for the purposes of this Act.

36. Interpretation

(1) In this Act, unless the context otherwise requires,

“business premises” means premises used for business, trade or professional purposes;

“Council” includes a local government unit under the Local Government Act, 1993 (Act 462);

“Court” means a court of competent jurisdiction;

“functions” includes powers and duties;

“landlord” includes a person who leases premises to another person in consideration of the payment of rent and a person deriving title under the original landlord;

“lease” includes an agreement for the letting of premises, whether oral or otherwise, and whether the terms of the lease grant the right of exclusive occupation to the tenant or include the use of the premises in common with the landlord or any other person or with the landlord and any other person;

“let” includes sub-let, and cognate expressions shall be construed accordingly;

“member of the family” means the father or mother, a wife, husband, child, brother or sister, or any other person as may be prescribed;

“Minister” means the Minister to whom the functions under this Act are assigned by the President;

“premises” includes a building, structure, stall or any other structure or part of that structure movable or otherwise, which is the subject of a separate letting, other than a dwelling house or part of a dwelling house bona fide let at a rent which includes a payment for board or attendance, and land, outbuildings and appurtenances let together with the premises at a single rent when adjoining the premises let;

“recoverable rent” with respect to any premises to which this Act applies, means,

- (a) subject to paragraph (b) of this definition, the rent at which the premises were let on the first day of July, 1960, or, where the premises were not let on that date, the rent at which they were last let before that date, or in the case of premises which were first let after that date, the rent agreed, at the time of the first letting after that date, between a landlord and a tenant, but if there is a rent for the time being in force for the premises assessed by an authority of a Rent Magistrate before the commencement of this Act under an enactment repealed by this Act or by the rent officer or the Rent Magistrate or the Minister under this Act, the rent shall be the recoverable rent; and

- (b) if the premises are let as furnished premises or with fixtures, the combined recoverable rent within the meaning of section 30;

“Regulations” means Regulations made under this Act;

“remodelling”, in respect of premises, does not include the demolition of the premises and the construction on the land on which the premises were situated of new premises, and cognate expressions shall be construed accordingly;

“Rent Magistrate” means in respect of premises, the District Magistrate of the district in which the premises are situated;

“rent officer” means the chief rent officer or, in respect of any premises in an area, the appropriate officer specified in subsection (1) of section 3;

“statutory tenant” means a tenant who

- (a) remains in possession of premises after the determination by any means of the tenancy and cannot by reason of this Act be deprived of the possession by the landlord; or
- (b) on the commencement of this Act is in possession of premises of which the tenant retained possession prior to that commencement by virtue of any other enactment repealed by this Act; or
- (c) is a tenant by virtue of subsection (6) of section 17;

“tenant” includes a person who leases premises from another person in consideration of the payment of rent, and

- (a) a person deriving title under the original tenant,
- (b) a sub-tenant,
- (c) a person who, before the commencement of this Act has retained possession of premises and who on and after that commencement continues in possession of the premises, and
- (d) a person who retains possession of premises by virtue of this Act.

(2) For the purposes of the definition of “recoverable rent”,

- (a) where the rates in respect of the premises have been or are altered after the date on which, or with regard to which, the recoverable rent is fixed or varied,
- (b) the terms of the lease do not require the tenant to pay rates or an apportionment of the rates, and
- (c) in the case of an increase in rates, the landlord has in writing, informed the tenants, of the amount of the increase in rates, and where a part of the premises is let, of the amount of the rate attributable to that part,

the recoverable rent shall be varied by the amount by which the rates assessed for, or, where a part of the premises is let the amount of the rates attributable to that part of, or where the premises have been or are altered, and where the period for which rent is payable differs from the period for which the rates are assessed, the recoverable rent shall be altered by the proportion of the alteration of the rates which the first-mentioned period bears to the other period.

37. Amendment and repeals

*Omitted.*⁶

38. Commencement of Act

*Spent.*⁷

6. The enactments referred to in the section had been repealed. The section provided that,

“(1) The Ghana Housing Corporation Ordinance, 1955 (No. 31) is hereby amended by the repeal of section 19.

(2) The Court Act, 1960 (Act 9), as subsequently amended, is hereby further amended in section 2, by the addition at the end thereof, of the following:

‘(e) in all civil matters relating to the landlord or tenant of any premises or any other person interested in such premises as required or authorised by or under the Rent Act, 1963.’

(3) The Rent Control Ordinance 1952 (No. 2), as subsequently amended, is hereby repealed.

(4) Any statutory instrument made under the repealed Ordinance and in force immediately before the commencement of this Act shall continue in force after that commencement as if it were a statutory instrument made under this Act if its provisions are not inconsistent with the Act or a statutory instrument made under this Act.’

7. The section provided that the Act shall come into force on a date determined by an executive instrument made by the Minister. The fixed the as the date for the commencement of the Act.