

RENT CONTROL DECREE 1966



ARRANGEMENT OF SECTIONS

Section

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Decree No. 15

[23rd March, 1966]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Subject to the provisions of this section, rent charged in respect of accommodation in any one or more rooms that are not self-contained in a dwelling occupied or used by persons for living or sleeping or other lawful purposes where the tenant is required to share the use of kitchen and toilet facilities and whether or not any part of the dwelling is also occupied or used as a shop or store (such accommodation being hereafter referred to in this Decree as "accommodation") let or agreed to be let before or after the commencement of this Decree shall be the rent agreed between the landlord and tenant (hereafter in this Decree referred to as "the agreed rent"); and anything to the contrary in any enactment or rule of law notwithstanding, the agreed rent shall, on 1st April, 1966, in respect of subsisting tenancies be reduced by an amount equal to two shillings in every one pound or part of one pound of the agreed rent, (such agreed rent as reduced, being hereafter referred to as "the fixed rent").

Reduction
of agreed
rent.

(2) Any notice to quit accommodation given by reason of the failure to tender the agreed rent to the landlord or his agent and not matured on the making of this Decree, and any increase demanded or notice of increase given at such time shall be suspended, and the fixed rent shall be payable to and be accepted by the landlord or his agent without deduction and in full settlement of the agreed rent for the period in respect of which it is tendered by the tenant.

(3) Rent for accommodation may be paid in advance, but nothing in this section shall be construed so as to permit or allow demand to be made for rent in excess of 4 weeks; and where rent is demanded and paid for in such period of 4 weeks, a demand for further rent shall not be made by or on behalf of a landlord earlier than 7 days before the next rent is to become due.

(4) Nothing in this section shall be construed so as to authorise the refund of rent paid in advance, or the recovery of any excess rent representing the difference between the agreed rent and the fixed rent.

Rent
Tribunals.

2.—(1) There shall be established tribunals to be called Rent Tribunals (in this Decree hereafter referred to as "the tribunals") to be distinguished by reference to the area of operation, and constituted in accordance with regulations made under this Decree.

(2) A tribunal shall have jurisdiction, on application made for the purpose by the landlord or the tenant to determine in respect of accommodation, any question as to the rent limit or the rent properly payable (in this Decree hereafter referred to as "the standard rent") or as to any matter which is or may become material for determining any such question, if the rent claimed is not more than two hundred and forty pounds per annum; and for such purposes the tribunal may review the rental prescribed in any lease or tenancy agreement in writing, or parol, whether or not the rent has been fixed under section 1 of this Decree.

(3) The tribunal may, on the application of any party interested or of its own motion, sit with assessors in any case where the tribunal is satisfied that it is in the interest of justice so to do; and for such purpose there shall, as from time to time directed by the Federal Executive Council, be prepared and maintained panels of fit persons experienced in land values and rentals properly payable in the locality. Assessors shall be paid attendance fees at such rate as the Federal Executive Council may approve, and any such panel may at any time be amended, varied or replaced.

(4) Proceedings of a tribunal shall be open to the public and shall be deemed to be judicial proceedings, and members to be judicial officers. Accordingly, a tribunal may—

(a) examine witnesses on oath,

(b) summon any persons to appear before the tribunal,

(c) require any interested party to produce any document which the tribunal considers relevant, including any document of title.

(5) The failure to comply with the requirements of any order made by a tribunal shall be an offence punishable on conviction by a fine of not more than a hundred pounds or by imprisonment for a term of three months, or by both.

(6) Regulations may prescribe—

(a) the mode of appointment, remuneration and tenure of office of the chairman and other members of a tribunal,

(b) the percentage of increase or reduction to be allowed by tribunals in relation to repairs to premises according as the liability to make them is established before the appropriate tribunal,

(c) the type and nature of repairs or fixtures in premises where the accommodation is, and the percentage to be allowed in computing the standard rent where the tribunal is satisfied that the repairs or fixtures, as the case may be, are necessary to make the premises reasonably fit for human habitation,

(d) the forms and records to be used or kept by a tribunal, or as record of payment under any tenancy agreement,

(e) the fees to be paid on applications under this Decree, and

(f) generally for matters coming before a tribunal.

(7) Minutes of proceedings and a summary of oral evidence given before a tribunal shall be kept by the chairman; and notices, summonses, or orders issued or made under the hand of the chairman shall be deemed to have been issued or made by the tribunal.

(8) The chairman may in his discretion exclude members of the public; and where the rent claimed does not exceed seventy-eight pounds per annum he may require the parties to attend in person and present their respective cases, anything to the contrary in any other enactment allowing representation notwithstanding.

3.—(1) A tribunal on application made to it in the prescribed manner by a landlord or a tenant as the case may be, may fix the standard rent for any accommodation let on or after the commencement of this Decree where the rent charged at that date does not exceed two hundred and forty pounds per annum; and subject to the provisions of this Decree, where an order is made by a tribunal fixing the standard rent in respect of accommodation, any amount in money or money's worth in excess of the standard rent—

(a) shall not be demanded or be received by the landlord; or

(b) shall not be tendered or paid by a tenant;

and the excess shall, subject to the next succeeding subsection, be computed and be refunded at the suit of the party aggrieved as the tribunal hearing the case may direct or require.

Powers as to standard rent, and effect of orders.

(2) Where in respect of accommodation let on or after the material date application is made to a tribunal to review the standard rent, the tribunal may relate the standard rent to the locality and for such purpose may prescribe units of occupation by a tenant in respect of accommodation in no case less than one hundred square feet of floor space with or without dividing walls or partitions; and the standard rent shall be adjusted as to the locality and the number of units of occupation accordingly, so however that where accommodation is let, each room shall be reasonably suitable for the use or the declared intended use by the tenant.

(3) It is hereby declared for the avoidance of doubt that in the application of subsection (1) of this section any amount overpaid shall, notwithstanding the provisions of any enactment or rule of law to the contrary, in any case after the making of this Decree, be irrecoverable—

(a) in respect of moneys for any period in excess of three years paid before the date of the last overpayment under the provisions of any deed; and

(b) in respect of moneys for any period in excess of twelve months paid before the date of the last overpayment in any other case, and if any amount involved is thereafter deducted, it shall not be allowed as a set-off in favour of the tenant or sub-tenant liable in respect of the accommodation.

(4) Every order of a tribunal fixing the standard rent of premises shall be signed by the chairman and be issued under the seal of the tribunal, and when so signed and issued shall have effect for a period of three years from the date of the order or the date of determination of any appeal, as the case may be, as if it were an order of a magistrates' court and may be enforced accordingly. Any such order, unless sooner revoked, shall bind all persons including any landlord, tenant, subtenant, or mortgagee as such of the premises where the accommodation is, at any time during the currency of the order.

(5) When determining the standard rent for particular accommodation, the tribunal hearing the application shall take into consideration any repairs made or agreed to be made by the landlord or, as the case may be by the tenant, at the date of the application to fix the standard rent; and any repairs shall, for such purpose, be deemed to have been made at the material date, and the standard rent shall be adjusted according as to whether they were made by the landlord or by the tenant.

(6) For the purposes of this section—

(a) "repairs" means anything reasonably necessary to be done to put in order for, or keep accommodation fit for human habitation, and includes structural alterations of any description; and

(b) any such repairs shall be made by the landlord if the tenant is under no liability, express or implied, to make them.

Appeals.

4.—(1) Any person aggrieved by a decision of a tribunal determining the standard rent may appeal to a magistrates' court presided over by a chief magistrate. The chief magistrate shall have jurisdiction to hear the case notwithstanding any issue raised as to title, where the standard rent determined by a tribunal in the case on appeal is less than one hundred and twenty pounds per annum.

(2) An appeal shall be heard as nearly as may be as if it were an appeal by way of case stated in the High Court, and may be determined accordingly; but no appeal as of right shall thereafter lie in respect of premises where the standard rent as fixed by the tribunal is less than one hundred and twenty pounds per annum.

Interpretation.

5. In this Decree unless the context otherwise requires—

"accommodation" has the meaning assigned by section 1 (1) of this Decree;

"agreed rent" has the meaning assigned by section 1 (1) of this Decree;

"fixed rent" has the meaning assigned by section 1 (1) of this Decree;

"prescribed" means prescribed by this Decree or by regulations made thereunder;

"regulations" means regulations made by the Federal Executive Council under this Decree;

"standard rent" has the meaning assigned by section 2 (2) of this Decree.

6. This Decree may be cited as the Rent Control Decree 1966, and shall apply throughout the Federation.

Citation
and appli-
cation.

MADE at Lagos this 23rd day of March, 1966.

MAJOR-GENERAL J. T. U. AGUIYI-IRONSII,
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the Decree but is intended to explain its effect)

The purpose of this Decree is to provide for a reduction in the rental charged in respect of accommodation consisting of one or more rooms which are not self-contained; and for the setting up of rent tribunals, the membership and operation of which will be provided for in regulations to be made hereafter.