

RENT ACT, 1963 (ACT 220)

As amended

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THE TWO HUNDRED AND TWENTIETH

ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE RENT ACT, 1963

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 certain provisions of existing enactments and to provide for matters connected therewith or incidental thereto.

DATE OF ASSENT: 12th December, 1963

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—APPLICATION OF ACT, ETC.

Section 1—Application of Act, Etc.

(1) Subject to the provisions of subsection (2), this Act shall apply to all premises in Ghana.

(2) This Act shall not apply to—

(a) any premises of which a public officer is a tenant by reason of his employment and of which premises the Government is the landlord;

(b) any lease of any premises when such 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 upon which there were no premises at the time of the grant or renewal of the lease;

(c) where a lease whether entered into, before, on or after the date of the commencement of this Act, was entered into as a lease of land upon which there were premises but the premises were demolished and new premises erected within five years after the grant of the lease, such lease after the erection of the new premises;

(d) any lease certified as being valid under the law for the time being in force relating to concessions;

(e) any 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 yields no financial gain to the Government;

(f) any market stall owned by a Council;

(g) any land subject to the Rents (Stabilization) Act, 1962 (Act 109) or any regulations made thereunder; or

(h) prescribed premises.

(3) This Act shall, except as hereinafter provided, apply to the Republic.

PART II—ADMINISTRATION OF ACT

Section 2—Rent Commissioner.

There may be appointed for the purposes of this Act a Rent Commissioner, who shall subject to the general or special directions of the Minister, be charged with the responsibility of the general administration of the Act.

Section 3—Officers.

(1) There shall be appointed for the purposes of this Act—

(a) a Chief Rent Officer for Ghana;

(b) Principal Rent Officers for areas;

(c) Senior Rent Officers for areas;

(d) Rent Officers for areas;

(e) Senior Assistant Rent Officers for areas;

(f) Assistant Rent Officers for areas; and

(g) such other employees as may be prescribed.

(2) The officers specified in paragraphs (b) to (f) of subsection (1) of this section shall be competent to discharge the functions assigned to them under the Act only in relation to the areas for which they are appointed.

Section 4—Continuance in Service of Existing Officers.

Notwithstanding the repeal of the Rent Control Ordinance, 1952 (No. 2), every 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; and for calculating any pension, gratuity or other allowance to which he may be eligible, his service shall be deemed to have commenced on the date he was appointed for the purposes of the said Ordinance.

Section 5—Functions of Appropriate Rent Officers.

(1) Subject to the other provisions of this Act, the appropriate Rent Officer may discharge all, or any of, the following functions:—

(a) may assess the recoverable rent of any premises (whether or not such premises are occupied) on an application made by any landlord, tenant or person interested in the premises, after such enquiry as he may think fit;

(b) shall investigate, in such manner as he may think fit, complaints by a landlord against a tenant in respect of arrears of rent and complaints by a landlord, tenant or person interested in the premises against any other person in respect of any other matter mentioned in this Act and shall make a determination thereon;

(c) shall investigate and determine any matter relating to this Act referred to him by the Minister or a Rent Magistrate in such manner as he may think fit;

(d) shall prepare rent registers and other prescribed documents and specify therein the prescribed particulars;

(e) shall maintain a register of vacant premises for prospective clients and on application made by any such client, shall furnish information concerning such premises;

(f) may examine any landlord, tenant or other person for the purpose of ascertaining whether the provisions of this Act or of any statutory instrument made thereunder are 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 the appropriate Rent Magistrate;

(h) may make complaints to the appropriate Rent Magistrate that an offence under this Act has been committed for the purpose of investigation and determination by him and may conduct the prosecution of the offender before the Magistrate, so, however, that a public prosecutor appointed generally may intervene and assume the conduct of such prosecution; and

(i) shall discharge such other functions for the purpose of carrying out the principles of this Act as the Minister may direct or as may be prescribed.

(2) The appropriate Rent Officer discharging any functions under this Act may exercise all, or any of, the following powers:—

(a) may require the attendance of parties and witnesses and may examine them on oath or otherwise;

(b) may require the discovery, inspection and production of documents;

(c) may enter and view, or order the inspection of, any premises under consideration by such officer;

(d) may call in one or more assessors or experts to assist in the determination of any matter, the subject of consideration by such officer;

(e) may require any landlord of premises within the area for which such officer was appointed to furnish any information which he may require for discharging his functions under this Act; and

(f) shall make any person, known to him as interested in securing any unoccupied premises for rent, a party to any enquiry held for assessing the recoverable rent of such premises.

(3) The appropriate Rent Officer may take into consideration any matter which he considers relevant and give weight to such matter as he may think fit, notwithstanding that such matter is not admissible under the law relating to evidence.

(4) Except as otherwise provided by or under this Act, the appropriate Rent Officer shall not be able to alter any of the conditions of the tenancy other than the amount of recoverable rent.

PART III—RENT MAGISTRATE

Section 6—Functions of Rent Magistrate.

(1) The appropriate Rent Magistrate may discharge all, or any of the, following functions:—

(a) may by order, on an appeal by any landlord, tenant or person interested in the premises, that he is dissatisfied with the amount of the recoverable rent of such premises as assessed by the appropriate Rent Officer, vary such amount;

(b) may by order, on an appeal by any landlord, tenant or person interested in the premises from any determination of the appropriate Rent Officer under this Act on any other matter, decide such matter;

(c) may by order, on a reference made by the Minister to him, assess the amount of the recoverable rent of any premises; and

(d) may make an order for the ejectment of any tenant from any premises situated within his area of jurisdiction.

(2) Without prejudice to the provisions of subsection (1), the appropriate Rent Magistrate shall decide any matter which has been required by this Act to be determined by him or if such matter has been referred to him by the Minister or the appropriate Rent Officer by or under this Act.

Section 7—Powers of, and Procedure to be observed by Rent Magistrate.

Subject to the provisions of this Act and any regulations made thereunder, 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 his ordinary jurisdiction.

Section 8—Rent Magistrate's decision on Recoverable Rent Final.

Every assessment of a Rent Magistrate as to the amount of the recoverable rent of any premises shall be final subject to a reservation to the High Court of any question of law.

Section 9—Other Powers and Duties of Rent Magistrate.

(1) A Rent Magistrate shall, in making any determination, order or decision under this Act, take into account any matter which he considers relevant, notwithstanding that such matter is not admissible under the law relating to evidence.

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

PART IV—ASSESSMENT OF RECOVERABLE RENT

Section 10—Application for Assessment of Recoverable Rent by Appropriate Rent Officers.

A landlord or tenant of premises or other person interested in such premises may apply to the appropriate Rent Officer, in accordance with such regulations as may be made in that behalf, to assess the amount of the recoverable rent of such premises (whether or not such premises are occupied):

Provided that such officer shall not entertain an application for an assessment of such premises, if an assessment has been made previously by him or the appropriate Rent Magistrate, unless he is satisfied that—

- (a) the circumstances affecting the question of the rent of such premises have materially altered since the last assessment of the rent of such premises;
- (b) the last assessment of the rent of such premises was obtained by fraud, misrepresentation or mistake;

(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 such premises was made, is now available;

(d) the last assessment of the rent of such premises was made in the absence of any necessary or proper party whose absence was not due to any default or neglect on his part; or

(e) in his opinion injustice has been occasioned.

Section 11—Ministers’s Reference to Magistrate to Assess Recoverable Rent.

The Minister may refer, in accordance with such regulations as may be made in that behalf, to the appropriate Rent Magistrate, to assess the amount of the recoverable rent of any premises.

Section 12—Appeal for Variation of Recoverable Rent Assessed by Appropriate Rent Officers.

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

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

(a) copies of all the relevant documents certified by him to be exact copies of such documents;

(b) a statement of the facts of the matter; and

(c) his reason for such assessment.

(3) The appropriate Rent Officer referred to in subsection (2) shall, within fourteen days after the receipt by him of the request mentioned in that subsection, comply with the terms of the request.

(4) A person appealing under subsection (1) from the assessment of the appropriate Rent Officer in respect of any premises shall, within fourteen days after such assessment, send copies of his statement of appeal to any other person interested in such premises, that is to say, to the landlord, tenant and any other person interested in such premises.

(5) The Rent Magistrate to whom an appeal has been made under subsection (1) from an assessment of the appropriate Rent Officer shall have the power to refer any matter relating to such appeal for the further investigation of such officer.

(6) The Rent Magistrate to whom an appeal has been made under subsection (1) from an assessment of the appropriate Rent Officer may, in accordance with the provisions of this Act and such regulations as may be made hereunder, vary the amount of the assessment.

Section 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 such premises established out of public funds.

Section 14—Matters to be Taken into Account in Assessing Recoverable Rent.

The appropriate Rent Officer or the appropriate Rent Magistrate, for the purpose of assessing the amount of recoverable rent of any premises, shall take into account the following matters:—

- (a) the rateable value of the premises for the assessment of rates thereon;
- (b) the value of the land on which such premises are situated;
- (c) the amount of the annual rates in respect of such premises, and where the premises have been let in part, any apportionment of the rates attributable to such 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 such 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.

Section 15—Certificate Relating to Recoverable Rent.

Where the appropriate Rent Officer or the appropriate Rent Magistrate assesses the amount of the recoverable rent in respect of any premises he shall, as soon as may be practicable thereafter, issue a certificate specifying—

- (a) the amount of the recoverable rent of such premises assessed by him;
- (b) the rates or where part of the premises have been let, the apportionment of the rates attributable to such part;

(c) if the premises have been let together with fixtures and furniture, the amount of the rent apportioned for the premises without such fixtures and furniture and the amount of the rent for the fixtures and furniture; and

(d) such other particulars as may be prescribed.

Section 16—Date on which Recoverable Rent becomes Payable.

(1) Where the amount of the recoverable rent of any premises is assessed for the first time under this Act, or is assessed at an amount not more than the recoverable rent of such premises immediately before such assessment and there is no appeal therefrom, such 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 any premises is assessed at an amount more than the amount of recoverable rent of the premises and no appeal lies therefrom, such amount shall become payable, if, but only, if one month's notice in writing of the landlord's intention to collect such 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 of the premises, the recoverable rent payable in respect of such premises shall be the recoverable rent payable in respect of such premises immediately before the assessment mentioned in that subsection.

(4) Where the notice referred to in subsection (2) has been given by the landlord of the premises, 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) When a Rent Magistrate assesses the recoverable rent of any premises under this Act at an amount different from the rent previously payable, such amount shall become 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.

Illustrations

(a) Where the recoverable rent has been reduced from £G5 each month to £G4 each month on December 14, 1963, the monthly recoverable rent of £G4 shall become payable on and after February 1, 1964.

(b) Where the recoverable rent has been increased from £G5 each month to £G6 each month on December 14, 1963, and the one month's notice referred to in sub-section (2) is not given, the monthly recoverable rent shall continue to be £G5.

(c) Where the recoverable rent has been increased from £G5 each month to £G6 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 £G6 shall become payable on and after February 1, 1964.

(d) When a Rent Magistrate alters the monthly rent of premises from £G5 to £G4 on December 14, 1963, he shall not be able to fix a date earlier than February 1, 1964, as the date from which the monthly rent of £G4 shall be payable.

PART V—RECOVERY OF POSSESSION AND EJECTMENT

Section 17—Recovery of Possession and Ejectment.

(1) Subject to the provisions of subsection (2) of section 25 and of section 28, no order against a tenant for the recovery of the possession of, or for the ejectment from, any premises shall be made or given by the appropriate Rent Magistrate, or any other Judge of a court of competent jurisdiction in accordance with the provisions of any other enactment for the time being in force, except in any of the following circumstances:—

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

(b) where any obligation of the tenancy, other than that specified in paragraph (a), so far as such obligation is consistent with the provisions of this Act, has been broken or not performed;

(c) where the tenant or any person residing with him has been guilty of conduct which is a nuisance or an annoyance to adjoining occupiers;

(d) where the tenant or any person residing with him 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 such Magistrate or Judge deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing with him;

(f) where the tenant has given notice of his intention to quit in writing and in consequence of such notice the landlord has contracted to sell or let the premises or has taken any other steps as a result of which he would, in the opinion of such Magistrate or Judge, be seriously prejudiced if he could not obtain possession;

(g) where the premises are reasonably required by the landlord for personal occupation as a dwelling house by himself, a member of his family or any person in his whole time employment, such premises being constructed to be used as a dwelling house, so, however, that—

(i) the circumstance that the premises are reasonably required by the landlord for personal occupation by someone in his employ shall not be a sufficient circumstance if the Magistrate or Judge is not satisfied that such landlord usually provides premises for occupation by an employee of the class to which that employee belongs, and

(ii) no such order shall be made if the Magistrate or Judge is satisfied having regard to all the circumstances of the case, including any alternative accommodation available for the person for whose occupation the premises are so 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 him for his own business purposes, such premises being constructed to be used as such, if the landlord has given not less than six months' written notice to the tenant of his intention to apply for an order for the recovery of the possession of, or the ejectment from, the premises;

(i) where the lease has expired and the tenant is a statutory tenant and the landlord—

(i) intends to pull down the premises and construct new premises,

(ii) intends to remodel the premises and the remodelling cannot be carried out with the tenant in occupation, or

(iii) 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 his intention to apply for an order for the recovery of the possession of, or the ejectment from, the premises, so, however, that—

(aa) the 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 his intention within such period as may be allowed by such 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 such compensation as the Magistrate or Judge may consider reasonable,

(ab) the Magistrate or Judge shall cause a copy of such order to be served on the appropriate Rent Officer for the area where the premises are situated and such officer shall take such proceedings as are necessary to ensure compliance with the terms of the order, and

(ac) the making or giving of an order under this paragraph in the circumstances specified in paragraph (i) (ii) of this subsection shall be subject to any option of the tenant to acquire under the provisions of section 18, a new statutory tenancy of any premises remodelled to which such an order relates;

(j) where the premises were let to the tenant by reason of his employment in the service of the landlord and such employment has ceased; and

(k) where the landlord was personally in occupation of the premises and has let the premises substantially furnished for a term during his absence from Ghana or that area of Ghana in which the premises are situated and has returned and requires the re-occupation of the premises for himself, so, however, that no order granting the possession of, or the

ejection from, the premises shall 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 Ghana or such area.

(2) Subsection (1) of this section shall 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.

(3) The Magistrate or Judge making or giving any order or judgment for the recovery of the possession of any premises or for the ejection of a tenant therefrom may stay or suspend execution of any such order or judgment or postpone the date of possession for such period or periods as the Magistrate or Judge thinks fit and subject to such conditions, if any, in regard to payment by the tenant of arrears of rent, mesne profits and such other sums as the Magistrate or Judge thinks fit and if such conditions are complied with, the Magistrate or Judge may discharge or rescind such order or judgment.

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

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

(6) Any sub-tenant against whom an order or judgment is not enforceable shall, if he 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.

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

Section 18—Tenant to have Option to New Tenancy of Remodelled Premises.

(1) Where possession of premises is required for the grounds set out in paragraph (i) (ii) of subsection (1) of section 17 and the premises are vacated—

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

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

(2) A statutory tenant vacating the premises in accordance with the provisions of subsection (1) shall give his name and address for the time being to the appropriate Rent Officer, if he proposes to exercise the option referred to in subsection (1).

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

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

(5) Every statutory tenant of any premises who has given his name and address under subsection (2) shall be made a party to any proceedings for the fixing of the recoverable rent for such premises before the appropriate Rent Officer.

(6) Where more than one person is entitled to be reinstated under subsection (1) and the remodelled premises contain insufficient accommodation for all such 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. In any case where there is no distinction between one former tenant and another of any premises, in respect of priority of dates, the landlord of such premises shall apply to the appropriate Rent Magistrate or Judge for a declaration as to the person entitled to be granted a tenancy. Such Magistrate or Judge shall consider the balance of hardship between the former tenants and determine the person entitled to the tenancy.

(7) Nothing in this section shall apply where possession of premises was taken under the provisions of paragraph (i) (ii) of subsection (1) of section 17 and where on application subsequently made to him by the landlord or by a former tenant, the appropriate Magistrate or Judge is satisfied that the premises at the date of the application are unsuitable for use by the former tenants.

PART VI—OBLIGATIONS OF LANDLORDS, ETC.

Section 19—Landlord Prohibited from Collecting Rent Increase Resulting from Increase in Rates without Notice, Etc.

(1) No landlord of premises shall collect from the tenant of such premises any increase of rent attributable to an increase of rates in respect of such premises, unless he 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 any premises has been let, the amount of the rates attributable to such part, the amount of the increase in rent and the date from which the new rates take effect.

(2) When a part of any premises has been let and there has been an increase in the rates in respect of the whole of such premises, no landlord shall—

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

unless such amount and increase have been approved by the appropriate Rent Officer.

(3) No landlord of, or other person interested in, any premises, shall collect the increase in rent attributable to an increase in rates in respect of any period before such increased rates were assessed.

Section 20—Rent Cards.

(1) Every landlord of any premises on monthly or shorter tenancies shall issue to the tenant of such premises, within seven days after the commencement of the tenancy, a rent card specifying the following particulars:—

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

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

Section 21—Compensation for Improvements.

Where a tenant who has made improvements to his premises, with the approval of the landlord of the premises is requested to vacate his premises before the prescribed period, the landlord of such premises shall pay such compensation for the improvements as may be ordered by the appropriate Rent Officer within such period as may be specified by him.

Section 22—Control of Sub-letting.

(1) No person, in the case of a monthly or shorter tenancy of any premises, shall sub-let such premises without the written consent of his landlord.

(2) No person in the case of a tenancy of any premises, other than the tenancy specified in subsection (1), shall sub-let such premises, in the absence of express agreement in writing to the contrary, for a period in excess of the period of his tenancy.

(3) Every person sub-letting his premises shall inform the landlord of such premises in writing within fourteen days after he has so sub-let the premises the fact of such sub-letting and its terms.

Section 23—Landlord Prohibited from Serving Notice to Quit within Two Years of Determination of Appropriate Rent Officer, Etc.

No landlord of any premises shall serve a notice to quit on a tenant of such premises within two years from the date of any assessment, order or decision of the appropriate Rent Officer from which there has been no appeal or of the appropriate Rent Magistrate or of any other Judge of a court of competent jurisdiction, unless the lease is due to expire within the said period of two years.

Section 24—Appropriate Rent Officer not to be able to Award Costs, Etc.

No appropriate Rent Officer shall have the power to award costs, or receive payment for any service except his salary and such other remuneration as may be prescribed.

PART VII—OFFENCES, ETC.

Section 25—Offences.

(1) Every person who, in respect of any premises—

(a) demands or receives more than the recoverable rent for such premises notwithstanding any lease to the contrary;

(b) demands or receives any consideration, whether in money or in kind or in any other manner whatsoever and whether by way of rent, fine, premium or otherwise, for the grant, renewal, continuance or assignment of any tenancy;

(c) being or acting as an agent or broker or go-between demands or receives for his services in connection with the procuring of any grant, renewal, continuance or assignment of a tenancy, any consideration which exceeds five per centum of the recoverable rent for one year of such premises;

(d) where the purchase or hire of any furniture, fittings, fixtures, or other articles is required by him as a condition for the grant, renewal, continuance or assignment of any tenancy, demands or receives any price or consideration for such purchase or hire in excess of a reasonable price or consideration therefor;

(e) enters into or carries out any fictitious or artificial agreement which has effect of attempting to defeat the objects of this Act;

(f) being a landlord fails to furnish any information he is required to furnish by or under this Act;

(g) being a landlord of any premises ejects a tenant of such 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 the provisions of paragraph (i) of subsection (1) of section 17 fails to comply with the requirements of section 18; or

(i) contravenes any other provisions of the Act,

shall be guilty of an offence and shall upon conviction by the appropriate Rent Magistrate be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Upon the hearing of a charge alleging the contravention of the provisions of subsection (1), it shall be lawful for the Magistrate, in addition to imposing a fine if the accused is convicted, to order the accused to pay the tenant such one or more of the following sums as may be appropriate to the case:—

(a) any sum received in excess of the rent lawfully recoverable;

(b) the amount or value of the consideration paid in contravention of the provisions of paragraph (b) or (c) of subsection (1); and

(c) the amount by which the price or consideration for such purchase or hire referred to in paragraph (d) of subsection (1) exceeds a reasonable price or consideration.

Upon such hearing the Magistrate may, also if the accused is a principal tenant order his ejectment.

(3) Nothing in this section contained shall prejudice the right of any person to recover by civil action any such sums as the Magistrate may order to be paid under subsection (2).

(4) Where there is any such change of circumstances in a tenancy as the following, that is to say, any 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, there shall be deemed to have been an increase in rent.

(5) Any 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 shall be guilty of an offence and shall upon conviction by the appropriate Rent Magistrate be liable to a fine not exceeding one hundred pounds.

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

(a) of so much of any outgoings discharged by the assignor as is referable to any period after the assignment takes effect;

(b) of a sum not exceeding the amount of any expenditure reasonably incurred by the assignor in carrying out any structural alteration of the premises or in providing or

improving fixtures, therein, being fixtures which as against the landlord he is not entitled to remove;

(c) where the assignor became a tenant of the premises by virtue of an assignment of the tenancy thereof, of a sum not exceeding any reasonable amount paid by him to his assignor in respect of expenditure incurred by that assignor, or by any previous assignor of the tenancy, in carrying out any such alteration or in providing or improving any such fixtures as are mentioned in paragraph (b) of this subsection; or

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

Section 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 his agent or servant, such agent or servant shall be liable to the like penalty as if he were the landlord or tenant, as the case may be.

(2) Any landlord or tenant, who would have been guilty of an offence under the provisions of this Act for anything done or omitted to be done by him personally, shall be guilty of such offence if such thing has been done or omitted by his agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of such thing.

Section 27—Offence for Inducing Tenant to Quit.

(1) Every person who shall do any act whatsoever, or refrain from doing anything which the conditions of the tenancy require him to do, with intent to compel the lessee of any premises to give up possession thereof shall be guilty of an offence and shall on conviction by the appropriate Rent Magistrate, be liable to a fine not exceeding fifty pounds.

(2) Upon the hearing of a charge alleging the contravention of the provisions of subsection (1), it shall be lawful for the Magistrate if the accused is convicted and in addition to imposing a fine, to order the accused to pay to the lessee of the premises, such sum as may appear to the Magistrate reasonable to compensate the lessee for any costs, damages, or loss or inconvenience sustained by him by reason of such act or omission and, if he so thinks fit, make an order reinstating the lessee in such premises.

Section 28—Statutory Tenant Prohibited from Demanding Premium.

(1) If a statutory tenant demands or receives the payment of any 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, such tenant shall be guilty of an offence and shall be liable on conviction by the appropriate Rent Magistrate to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds, or to both such imprisonment and fine. For the purposes of this section the demanding or receiving of a price or consideration

for any furniture, fittings, fixtures or other articles in excess of a reasonable price or consideration therefor shall be deemed to be the demanding or receiving of a premium.

(2) Upon the hearing of a charge alleging the contravention of the provisions of subsection (1), it shall be lawful for the Magistrate upon conviction of the accused and in addition to imposing a fine—

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

(b) to order the ejection of the tenant.

Section 29—Obligations of Statutory Tenants.

(1) A statutory tenant shall, so long as he retains possession, hold the premises of the landlord upon the following terms and conditions, namely—

(a) he shall hold as a tenant from month to month, and, subject thereto, shall observe and be entitled to the benefit of all the terms and conditions of his original tenancy, as the case may be, so far as the same are consistent with the provisions of this Act, so, however, that, in the case of a tenant who has become a statutory tenant by reason of the provisions of paragraph (c) of the definition of "statutory tenant" in section 36, he shall in addition hold the premises subject to any restrictive covenants contained in the terms and conditions of the lease between the landlord and the principal tenant;

(b) his tenancy shall be determinable by him by such notice as would have been required by law to determine a monthly tenancy of the premises containing no express provision for determination thereof; and

(c) he shall be subject to all the rights and powers conferred upon a landlord under and by virtue of any provision of law relating to distress for arrears of rent.

Section 30—Furnished Premises.

Where premises are let together with furniture or fixtures the combined recoverable rent of premises and furniture or fixtures shall be the rent at which the premises were let with furniture or fixtures on the first day of July, 1960, or, where the premises were not so let on that date the rent at which they were last so let before that date, or, in the case of premises which were first so let after that date 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 fixtures at the date of the commencement of the tenancy:

Provided that if a combined recoverable rent has been assessed under this Act, such rent shall be the combined recoverable rent.

Section 31—Rates in Relation to Rents.

Nothing in this Act shall be so construed as to prevent a landlord from collecting from his tenant the rates for the time being payable in respect of any premises, or such apportioned sum as shall properly be attributable to such premises in respect of rates, if the obligation of paying rates in respect of such premises was assumed by the tenant under the terms of the lease, or when the recoverable rent therefor has been assessed under this Act, if the obligation of payment of rates was stated in the order assessing such rent to be payable by the tenant.

Section 32—Excess Rent paid in Advance.

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 such rent commenced to apply, any such 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:

Provided that where a tenancy is determined by any means prior to such application by the landlord of the whole of such 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.

Section 33—Receipt for Rent to be Supplied.

At the time of payment to a landlord of any sum in respect of rent for premises, or of rent for premises and for the use of furniture or fixtures, such landlord shall provide the person making such payment with a receipt in writing, duly stamped if a stamp is required under any other enactment for the time being in force, 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.

PART VIII—MISCELLANEOUS

Section 34—Appeals Under Other Enactments.

Save as otherwise expressly provided in the provisions of this Act, these provisions shall not affect the right of any person convicted by or aggrieved by any order or decision of, the appropriate Rent Magistrate under this Act, to appeal to any other court of competent jurisdiction in accordance with the provisions of any other enactment for the time being in force.

Section 35—Regulations.

(1) The Minister may by legislative instrument make such regulations as may be necessary for giving effect to the provisions of this Act.

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may make regulations in respect of all, or any of, the following matters:—

(a) such matters as are required by this Act to be prescribed or as may be authorised to be made by regulations under the Act;

- (b) the inspection of premises and other places for the purposes of the Act;
- (c) the form of registers, records, returns and other documents to be maintained or issued for carrying out the provisions of this Act, the particulars to be specified therein, the manner in which such documents shall be prepared and the persons obliged to keep such documents;
- (d) the time within which, the form of, and the manner in which, applications, references or appeals may be made under this Act;
- (e) the procedure to be observed at the hearing of such applications, references or appeals;
- (f) the places where such registers, records, returns and other documents shall be kept;
- (g) the fees to be paid for any matter which may be necessary for carrying out the provisions of this Act; and
- (h) the prohibition of the obstruction of officers and other persons appointed for the purposes of this Act.

Section 36—Interpretation.

In this Act unless the context otherwise requires—

"appropriate Rent Magistrate" in respect of any premises, means the District Magistrate of the district in which the premises are situated;

"appropriate Rent Officer" means the Chief Rent Officer for Ghana or, in respect of any premises in any area, means any other officer specified in subsection (1) of section 3 appointed for such area;

"business premises" means premises used for business, trade or professional purposes;

"Council" means District Assembly or other council established under the Local Government Act, 1993 (Act 462);[As substituted by the Local Government Act, 1993 (Act 462), sch. 7]

"landlord" means any person who leases premises to another person in consideration of the payment of rent and includes any person deriving title under the original landlord;

"lease" includes every agreement for the letting of any premises, whether oral or otherwise, and whether the terms thereof grant the right of exclusive occupation to the tenant or include the use of any 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 such other person as may be prescribed;

"Minister" means the Minister to whom the functions under this Act have been assigned by the President;

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

"recoverable rent", with respect to any premises to which this Act applies, means—

(a) subject to the provisions of 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 such date, between a landlord and a tenant, so however that, if there is a rent for the time being in force for such premises assessed by any authority or Magistrate before the commencement of this Act under any enactment repealed by this Act or by the appropriate Rent Officer or the appropriate Rent Magistrate or the Minister under this Act, such 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:

Provided that—

(i) where the rates in respect of any premises have been or are altered after the date on which, or with regard to which, as the case may be, the recoverable rent is fixed or varied;

(ii) the terms of the lease do not require the tenant to pay rates or an apportionment of the rates; and

(iii) in the case of such an increase in rates, the landlord shall have informed the tenants, in writing, of the amount of the increase in rates, and where a part of the premises have been let, of the amount of the rate attributable to such part,

the recoverable rent shall be varied by the amount by which the rates assessed for, or, where a part of the premises has been let the amount of the rates attributable to such part of, the premises has been or is altered, and where the period for which rent is payable differs from the period for which such 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;

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

"statutory tenant" means a tenant who—

- (a) remains in possession of premises after the determination by any means of his tenancy and cannot by reason of the provisions of this Act be deprived of such possession by his landlord; or
- (b) on the commencement of this Act is in possession of premises of which he retained possession prior to such commencement by virtue of any other enactment repealed by this Act; or
- (c) is a tenant by virtue of the provisions of subsection (5) of section 17; and

"tenant" means any person who leases premises from another person in consideration of the payment of rent, and includes—

- (a) any 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 such commencement continues in possession of such premises; and
- (d) a person who shall retain possession of any premises by virtue of the provisions of this Act.

Section 37—Amendment and Repeals.

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

(2) The Courts Act, 1960 (Act 9), as subsequently amended, is hereby further amended in section 52, 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:

Provided that any statutory instrument made thereunder and in force immediately before the commencement of this Act shall be deemed on and after such commencement to be a statutory instrument made under this Act if its provisions are not inconsistent with the Act or any statutory instrument made thereunder.

Section 38—Commencement of Act.

This Act shall come into force on such date as may be fixed by the Minister by executive instrument.

amended by

LOCAL GOVERNMENT ACT, 1993 (ACT 462).1