

ACT 322

STATE HOUSING CORPORATION (EJECTMENT) ACT, 1970

ARRANGEMENT OF SECTIONS

SECTION

1. Determination of lease on failure to pay rent.
2. Vacation of premises on termination of lease.
3. Offences.
4. Rights of the Corporation.
5. Service of notice.
6. Interpretation.
7. Application of Act to Tema Development Corporation.

ACT 322

STATE HOUSING CORPORATION (EJECTMENT) ACT, 1970¹

AN ACT to provide for the ejectment of persons owing arrears of rent to the State Housing Corporation and persons who have sublet premises contrary to the terms of a lease under which the premises were let by the State Housing Corporation, and for related matters.

1. Determination of lease on failure to pay rent

(1) Where a person to whom premises have been let by the State Housing Corporation fails for a period exceeding one month to pay the rent or a part of the rent in respect of those premises, the Corporation may, by notice in writing served on that person, request that person within two weeks after the service of the notice to pay to the Corporation the arrears of rent due in respect of the premises.

(2) The notice shall indicate that the Corporation will take steps to terminate the lease under which the premises were let on the failure to comply with the request.

(3) Where a person fails to comply with a notice served under subsection (1), the Corporation may by a further notice in writing served on that person terminate the lease.

(4) Where a person to whom premises have been let by the Corporation sublets the premises or a part of the premises, contrary to the terms of the lease, the Corporation may, by notice in writing served on that person, terminate the lease.

1. The Act was assented to on 7th April, 1970.

(5) The Corporation may, in addition to serving a notice as provided in subsection (4) serve a copy of the notice on a person for the time being occupying the premises in respect of which the notice is served.

(6) This section applies to a failure to pay rent or a subletting of premises whether it occurred before or after the commencement of this Act.

(7) Where premises have been let under a hire-purchase contract and at least eighty percent of the hire-purchase price or any other minimum percentage of that price as may be agreed between the Corporation and the tenant or buyer, has been paid or tendered by or on behalf of the hire-purchaser or tenant, the Corporation shall not enforce the right to recover possession of the premises or its right of re-entry otherwise than by a court action.

2. Vacation of premises on termination of lease

Despite anything to the contrary in any other enactment, where a notice is served under this Act terminating the lease in respect of the premises,

- (a) a tenant or any other occupier of the premises shall, not later fourteen days after the date of service of the notice or a later date specified in the notice, vacate the premises, and
- (b) the Corporation may re-enter the premises, using reasonable force, to eject the tenant or the occupier and to take possession of the premises.

3. Offences

(1) A person who

- (a) fails without reasonable excuse, the proof of which lies on that person, to vacate the premises required to be vacated under section 2, or
- (b) obstructs the Corporation in the exercise of a power conferred on it by section 2,

commits an offence and is liable on summary conviction, to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding two months or to both the fine and the imprisonment; and in the case of a continuing offence is liable to a further fine not exceeding one penalty unit in respect of each day during which the offence continues.

(2) Where an offence under subsection (1) is committed by a body of persons,

- (a) in the case of a body corporate, other than a partnership, every director or officer of the body corporate shall be deemed to have committed that offence, and
- (b) in the case of a partnership, every partner shall be deemed to have committed that offence.

(3) A person shall not be convicted of an offence by virtue of subsection (2) if it is proved that the offence was committed without the knowledge or connivance of, and that due diligence was exercised to prevent the commission of the offence by, that person having regard to the circumstances.

4. Rights of the Corporation

This Act is in addition to and not in derogation of the rights of the Corporation to claim moneys due or which become due in respect of premises or any other rights possessed by the Corporation by virtue of a lease under which the premises were let from the Corporation and accruing prior or subsequent to the determination of the lease under this Act.

5. Service of notice

- (1) The notice referred to in section 1 may be served
 - (a) by personal service, or
 - (b) by prepaying, registering and posting the notice, addressed to the person on whom the notice is to be served at the last known postal address of that person, or
 - (c) by leaving it for that person with a person apparently over the age of eighteen at the usual or last known place of abode or business of that person, or
 - (d) in the case of a corporate body or an unincorporated body of persons by delivering it to the secretary or clerk of that body at the registered or principal office of that body or serving it by post in accordance with paragraph (b) of this subsection on the secretary or clerk at the secretary's or clerk's office and in addition to any of the above cases, or
 - (e) by affixing it or a copy of it to a conspicuous part of the premises in respect of which the notice is given under section 1.

(2) Unless the contrary is proved, a notice served by post in accordance with subsection (1) (b), shall be deemed to have been served at the time at which the notice would have been delivered in the ordinary course of post.

6. Interpretation

In this Act, unless the context otherwise requires,

“**Corporation**” means the State Housing Corporation;

“**lease**” includes an agreement for the letting of premises whether orally or otherwise;

“**rent**” includes an instalment of a capital sum of money required to be paid under an agreement providing for the hire-purchase of premises and any other sum of money liable to be paid to the Corporation under a lease.

7. Application of Act to Tema Development Corporation

This Act shall, with the modifications that are necessary and any other modifications that the President may, by legislative instrument direct, apply to the Tema Development Corporation.²

2. Section 7 added by virtue of the State Housing Corporation (Ejectment) Act (Application to Tema Development Corporation) Decree, 1972 (N.R.C.D. 113) which also provided in section 2 of that Decree that the Tema Corporation (Ejectment) Act, 1963 (Act 159) is repealed.

5

6

7

8

9

10