

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,222 of 4th APRIL, 1985.

I ASSENT,

J. K. E. BROADLEY

ACTING GOVERNOR.

4th April, 1985.



GIBRALTAR

No. 11 of 1985.

AN ORDINANCE to amend the Landlord and Tenant Ordinance, 1983 (Ordinance No. 49 of 1983).

ENACTED by the Legislature of Gibraltar.

Short title

1. This Ordinance may be cited as the Landlord and Tenant (Amendment) Ordinance, 1985.

Revocation of Section 16 and amendment of Section 22 of Ordinance No. 49 of 1983.

2. The Landlord and Tenant Ordinance, 1983, (hereinafter called the Principal Ordinance) is amended by repealing Section 16 and by amending Section 22 by deleting the words "that this Part shall not apply" where these appear therein and substituting therefor the words "a new statutory rent taking into consideration the capital expended in the structural alteration and

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the improved nature of the accommodation provided, which shall apply" and by the consequential repeal of subsection (4) of Section 22.

Amendment of section 23.

3. Section 23 (8) (a) of the principal Ordinance is amended by omitting the expression "subsection (4) " and substituting therefor the expression "subsection (5) ".

Amendment Of Section 26.

4. Section 26(4) of the principal Ordinance is amended by repealing paragraph (b) thereof and substituting therefor the following new paragraph:
"(b) any son or daughter of himself or of his wife who is over the age of 18 years-"

Amendment Of section 29.

5. Section 29(3) of the principal Ordinance is amended by omitting the word "applies".

Amendment Of Section 30.

6. Section 30 (1) of the principal Ordinance is amended by omitting the words "and subject to the prescribed conditions".

Insertion of new section.

7. The principal Ordinance is further amended by inserting, after Section 80, the following new Section: -

"Reserve Fund

80A (1) A reserve fund shall be maintained

Fund. in respect of each building erected on or before the 1st day of January, 1945 and containing either wholly or in part domestic premises to which Part III of this Ordinance applies.

(2) There shall be paid into the reserve fund one third of all the rents received from the letting of all premises in the building to which subsection (1) applies, during the first 2 years after the date an which each of such premises is first let, and thereafter 15 per cent of all. such rents received.

(3) No money shall be withdrawn from the reserve fund except

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- (a) money that is to be expended and is expended for repairs to the building to which the fund relates; or
- (b) money that the Court authorises or directs to be withdrawn from the Reserve Fund for the purpose of effecting repairs to the building to which the fund relates.

(4) Subject to subsection (5), any person who—

- (a) fails to comply with subsection (1) or subsection (2); or
- (b) fails to comply with subsection (3) or with any direction under that subsection—

shall be guilty of an offence and shall be liable on summary conviction to a fine of £1,000.

(5) Nothing in this section shall prohibit a person from withdrawing or applying for his own use any interest that accrues on the principal money comprising a reserve fund."

Amendment Of Section 81.

8. Section 81 of the principal Ordinance is amended by omitting sub paragraph (b) and substituting therefor the following new sub paragraph: -

"(b) for regulating the manner in which reserve funds under Section 80A shall be maintained, the manner in which accounts of such funds shall be kept, and the inspection and audit of such accounts;"

Amendment Of Section 82:

9. The principal Ordinance is further amended by revoking Section 82(1) thereof and substituting therefor the following new subsection: -

"82. (1) The Income Tax Ordinance is amended by inserting, after Section 15B, the following new section:

Deduction for Landlords.

15C. For the purpose of ascertaining the assessable income of any person who is in receipt of rents from a building containing premises to which the Landlord and Tenant Ordinance 1983, applies, there shall be deducted from

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his assessable income all money paid by him in accordance with Section 80A of that Ordinance during the year preceding the year of assessment into the reserve fund established under that Section of that Ordinance in respect of the building."

Amendment of First Schedule.

10. Paragraph 1 (c) of Part I of the First Schedule to the Principal Ordinance is amended by omitting the word "exclusive" and substituting therefor the word "inclusive".

Amendment of Second Schedule.

11. The Second Schedule to the principal Ordinance is amended by omitting paragraph (g) (ii) thereof and substituting therefor the following new sub-paragraph:-

- (ii) any son or daughter of himself or of his wife who is over the age of 18 years; or".

Passed by the Gibraltar House of Assembly on the 27th day of March, 1985.

P. A. Garbarino,

Clerk to the Assembly.