

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,264 of 5th DECEMBER, 1965.



I ASSENT,

PETER TERRY,

GOVERNOR.

5th December, 1985.



GIBRALTAR

No. 27 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 and commencement.

1. (1) This Ordinance may be cited as the Landlord and Tenant (Amendment) (No. 3) Ordinance, 1985.

(2) This Ordinance shall come into operation on the 1st day of January, 1986.

Amendment of section 62 of Ord. No. 49 of 1983.

2. Section 62 of the Landlord and Tenant Ordinance, 1983 (hereinafter called the principal Ordinance) is amended by repealing sub-section (3) thereof and substituting therefor the following new sub-section:

Landlord and Tenant (Amendment) (No. 3) Ordinance, 1985.

"(3) Where the landlord's interest is held by a member of a group the reference in paragraph (e) of subsection (1) of section 49 to intended occupation by the landlord for the purpose of a business to be carried on by him shall be construed as including intended occupation by any member of the group for the purposes of a business to be carried on by that member."

Replacement of section 69.

3. The principal Ordinance is further amended by repealing section 69 thereof and substituting therefor the following new section:

"Assignments.

69. (1) Subject to the provisions of this section, but notwithstanding any agreement to the contrary, it shall be a condition of every tenancy to which this Part applies that -

- (a) the tenant may not assign his interest under the tenancy without the prior written consent of the landlord; and
- (b) the consent of the landlord to the assignment shall not be unreasonably withheld.

(2) The landlord may as a condition of consenting to an assignment specified in sub-section (1), charge a premium not exceeding the equivalent of 2 years' rent at the annual rental payable immediately before the date of the assignment.

(3) The landlord may withhold his consent to the assignment of the tenant's interest where the assignee intends to change the user of the holding from that carried on by the assignor of the holding. (4) It shall not be lawful for an assignee referred to in subsection (3) to materially change the kind of business carried on by him in the holding without the prior written consent of the landlord."

4. Paragraph 2 of the Fourth Schedule to the principal Ordinance is amended by omitting the words "notwithstanding section 16(2) pay into the sinking fund" and substituting therefor the words "notwithstanding section 80A(2) pay into the reserve fund."

Amendment of Fifth Schedule.

Landlord and Tenant (Amendment) (No. 3) Ordinance, 1985.

5. The Table in Part II of the Fifth Schedule to the principal Ordinance is amended:

- (a) by omitting the heading "Duration of Current Tenancy" and substituting therefor the heading "Period of Occupation of the Premises under the current and any previous tenancy agreement";
- (b) by omitting the word "tears" in item 4 and substituting therefor the word "years".

Repeal of Chapter 83.

6. The Landlord and Tenant (Miscellaneous Provisions) Ordinance (excluding those provisions already repealed by the principal Ordinance) is repealed.

Passed by the Gibraltar House of Assembly, on the 28th day of November, 1985.

P. A. GARBARINO

Clerk to the Assembly.