

FIRST SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 2,645 of 12th DECEMBER, 1991.

I ASSENT,
DEREK REFFELL,
GOVERNOR.
12th December, 1991.



GIBRALTAR.

No. 37 of 1991.

AN ORDINANCE to amend the Landlord and Tenant Ordinance.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Ordinance may be cited as the Landlord and Tenant (Amendment) Ordinance 1991, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint and different days may be so appointed for different purposes.

Amendment to section 2.

2. Section 2 of the Landlord and Tenant Ordinance (hereinafter called "the principal Ordinance") is amended in sub-section (1) by inserting after the definition of "date of termination" the following new definition—

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"dwellinghouse" means domestic premises which are used exclusively for residential purposes;".

Amendment to section 3.

3. Section 3 of the principal Ordinance is amended

(a) in sub-section (1) by—

- (i) omitting the word "includes";
- (ii) inserting in paragraph (a) immediately after the letter "(a)" the word "includes";
- (iii) omitting the word "and" at the end of paragraph (a);
- (iv) inserting in paragraph (b) after the expression "Part III," the words "means an individual and includes";
- (v) omitting the word "and" at the end of paragraph (b) (i);
- (vi) inserting a new sub-paragraph (iii) in paragraph (b) as follows
 - "(iii) where the tenant ceases to occupy the dwellinghouse for a reason prescribed for the purposes of this section, the spouse or other of the tenant's family determined in accordance with sub-sections (2) and (3);";
- (vii) inserting the word "includes" after the letter "(c)";

b) in sub-section (2) by—

- i) inserting after the word "death" where it appears for the first time, the words "or departure from the dwellinghouse for a prescribed reason";

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ii) omitting the words "of full age at the date of the tenant's death";

c) in sub-section (3) by inserting in paragraphs (a) and (b) after the word "death" where it appears in each paragraph the words "or departure from the dwellinghouse for a prescribed reason";

d) in sub-section (4) by inserting after the word "death" in both places where it appears, the words "or departure from the dwellinghouse for a prescribed reason".

Amendment to section 5.

4. Section 5 of the principal Ordinance is amended as follows:

a) by the insertion of the figure "(1)" immediately after the figure "

b) the addition of the following new sub-section

"(2) The Governor may, by regulation, prescribe fees to be charged, by whom such fees shall be payable, and to whom they shall be paid in respect of any of the several matters which, by virtue of the provisions of this Ordinance, may be referred to the Rent Assessor."

Amendment to section 6.

5. Section 6 of the principal Ordinance is amended in sub-section (2) by omitting the word "The" and substituting therefor the words "Except as otherwise provided for in this Ordinance, the".

Amendment to section 10.

6. Section 10 of the principal Ordinance is amended

(a) Sub -section (1) by—

(i) omitting in paragraph (a) the comma after the word "January" together with the figure "1945" and substituting therefor the expression "of the year preceding by 45 years the 1st day of January of the current year";

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(ii) omitting in paragraphs (b) and (c) the word "dwelling" where it appears in each paragraph and substituting therefor the word "dwellinghouse";

b) in sub-section (2) by omitting the word "dwelling" and substituting therefor the word "dwellinghouse";

c) by inserting a new sub-section (7) as follows

(7) "current year" for the purposes of this section, means the year in which a matter is referred under this Part of the Rent Assessor or to the Rent Tribunal or in any application of the provisions of this Part, the year in which that application was first made."

New section 11A.

7. The principal Ordinance is amended by inserting after section 11 the following new section 11A—

Rents of dwellinghouses becoming controlled.

1A. Where a dwellinghouse not being one to which this Part applies, becomes by virtue of the operation of section 10 (1) (a) a dwellinghouse to which this Part applies

(a) the tenant may make application to the Rent Assessor to determine the statutory rent in respect of that dwellinghouse;

(b) notwithstanding any other provisions of this Ordinance, the determination of the rent in relation to a dwellinghouse to which this section applies, shall be made in accordance with the provisions prescribed in regulations by the Governor for this purpose;

(c) references in this Ordinance to "statutory rent" shall, in respect of a dwellinghouse falling within this section, be interpreted to be references to rent determined in accordance with this section."

Amendment to section 18.

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8. Section 18 of the principal Ordinance is amended—

a) in sub-section (3) (a) (ii) by omitting the word "dwelling" and substituting therefor the word "dwellinghouse";

(b) by inserting after sub-section (10) a new sub-section (11) as follows—

(11) Where, in accordance with the provisions of any other Ordinance, an Order is made by any court for the demolition of a dwellinghouse and that court was satisfied that the demolition of that dwellinghouse was in whole or in part necessitated by the failure of the landlord to maintain such dwellinghouse, or the premises in which it is situated, in a fit and proper condition, the provisions of this section shall apply in so far as they relate to the provision of suitable alternative accommodation for the tenant."

Repeal and replacement of section 22.

9. Section 22 of the principal Ordinance, including the marginal note thereto, is repealed and replaced by the following new section—

"Application for re-assessment of statutory rent.

22. (1) Where—

a) structural alterations have been carried out, or are to be carried out, to the dwellinghouse on or after the commencement of this Ordinance; and

a) the bona fide effect of the structural alterations is or will be, when carried out, to reconstruct the dwellinghouse either—

(i) into a dwellinghouse that is substantially a larger dwellinghouse than it was before the alterations; or

(ii) into two or more separate dwellinghouses; and

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c) the structural alterations do not or will not, when they are carried out, have the effect of decreasing the overall housing stock; and

(d) no undue hardship will be caused to any tenant of the dwellinghouse by the structural alterations –

The landlord may make application to the rent Assessor to determine new statutory rent or rents in relation to that dwellinghouse or those dwellinghouses.

(2) Where a person is or becomes a tenant of a dwellinghouse to which sub-section (1)(b) applies and no statutory rent has been assessed in accordance with subsection (1), the tenant may apply to the Rent Assessor for a statutory rent to be assessed.

(3) Where a dwellinghouse to which this Part applies becomes vacant, the landlord may apply to the Rent Assessor for the statutory rent in respect of that dwellinghouse to be reassessed, and the Rent Assessor shall re-assess that statutory rent in accordance with the provisions of this section,

(4) In determining a statutory rent as a result of an application made under sub-sections (1), (2) or (3), the Rent Assessor shall do so in accordance with the provisions prescribed by regulation for this purpose and references in this Ordinance to "statutory rent" in respect of a dwellinghouse to which this section applies, shall be the statutory rent so determined.

(5) Subject to sub-section (6), a determination made under this section, shall take effect from the date, as determined by the Rent Assessor, on which the structural alterations were completed.

(6) Where a determination is made under this section in respect of any structural alterations that are to be carried out, the determination shall have effect from the date on which the structural alterations are completed, as certified by the Town Planner."

Amendment to section 23.

10. Section 23 of the principal Ordinance is amended—

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a) in sub-section (3) by omitting the expression "of £100" and substituting therefor the expression "at level 2 on the standard scale";

b) in sub-section (6) by omitting the expression "of £100" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 25.

11. Section 25 of the principal Ordinance is amended in sub-section (2) by omitting the expression "of £100" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 27.

12. Section 27 of the principal Ordinance is amended—

a) in sub-section (2) by omitting the expression "of £100" and substituting therefor the expression "at level 2 on the standard scale";

b) in sub-section (4) (c) by inserting after the word "repair" the words "in accordance with the provisions of Schedule 6".

Amendment to section 28.

13. Section 28 of the principal Ordinance is amended by omitting the expression "of £500" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 29.

14. Section 29 of the principal Ordinance is amended—

(a) in sub-section (3) by omitting the expression "of £10" and substituting therefor the expression "at level 1 on the standard scale";

b) in sub-section (4) by omitting the expression "of £500" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 32.

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15. Section 32 of the principal Ordinance is amended in sub-section (2) by omitting the figure "£1000" and substituting therefor the expression "at level 5 on the standard scale".

Amendment to section 33.

16. Section 33 of the principal Ordinance is amended in sub-section (6) by omitting the expression "of £1000" and substituting therefor the expression "at level 5 on the standard scale".

Amendment to section 38.

17. Section 38 of the principal Ordinance is amended—

(a) in sub-section (3) by--

i) omitting the words "carrying on a business, in the whole or in any part" and substituting therefor the words "using the whole or any part";

ii) inserting after the words "business purposes" the words "or a specified business or a business other than a specified business";

(b) by omitting sub-section (4).

Amendment to section 42.

18. Section 42 of the principal Ordinance is amended—

(a) by omitting the expression "of £500" and substituting therefor the expression "at level 4 on the standard scale";

(b) by omitting the figure "£10" and substituting therefor the expression "one fiftieth of the amount at level 4 on the standard scale".

Amendment to section 80A.

19. Section 80A of the principal Ordinance is amended in subsection (1) by omitting the words "erected on or before the 1st day of January 1945 and".

Amendment to section 81.

20. Section 81 of the principal Ordinance is amended by—

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a) omitting the fullstop at the end of paragraph (f) and substituting therefor a semi-colon;

b) inserting after paragraph (f) a new paragraph (g) as follows-

“(g) to repeal, replace, amend or vary the Schedules to this ordinance”.

Amendment to Schedule 1.

21. Schedule 1 to the Ordinance is amended in paragraph 3 of Part I by inserting after the word "furnished" the words "so long as the furniture shall be fit and proper for the purpose and shall at least comply with the provisions of Schedule 7".

New Schedules 6 and 7,

22. The Principal Ordinance is amended by inserting after Schedule 5 new Schedules 6 and 7 in the following terms—

"SCHEDULE 6

Section 27(4)

TENANT'S LIABILITY TO REPAIRS

Flushing Cisterns	Renewal or repairs to W.C. seat, chain.
WC fittings	Renewal of broken W.C. pan.
Wash hand basin	Renewal of cracked or chipped
kitchen sink and bath	basin or sink Renewal of washers
	Renewal or refixing chain and plug.
	Repairs to damaged draining board.
Taps generally other than stop cock	Renewal of washers.
Drains	Unchoking blocked traps and pipes from connection to fitting to underground connection or stack pipes if under the control of the tenant.
Meters	Repairs to damaged meters if under the control of the tenant.

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Electrical fittings	Renewal or repairs to broken or defective switches, plugs, pendants, lamp-holders and fuses
Door, window and cupboard fittings	Repairs to locks, hinges, bolts, hooks, buttons, etc. Replacement of lost keys.
Blinds	Repair to damaged slats, canvas and fittings.
Awnings	Repair to fittings.
Glass	Replacement of broken glass to doors And windows.
Chimneys	Sweeping.
Plaster	Repairs to damaged internal plaster.
Floors	Renewal of broken tiles.
Decoration	Interior decoration.
Gullies	Unchoking of and renewal of missing or broken gratings.

In addition, the tenant is also responsible for any damage to the premises, including fixtures and fittings, caused by neglect, carelessness or wilfulness.

Provided that the tenant will not be responsible for any damage or defects which are due to reasonable wear and tear or to defective workmanship or materials.

SCHEDULE 7

**FURNITURE TO BE PROVIDED IF PROPERTY IS LET
FURNISHED**

(a) In any room let as a bedroom:

- (1) One bed or if let for occupation by two persons, one double bed or two single beds, complete with the necessary mattresses and pillows.
- (2) One wardrobe complete with shelves and hanging rails or locks.
- (3) One dressing table and chest of drawers.
- (4) One (or two if let for occupation by two persons) night table.
- (5) One armchair (provided that where the accommodation is let to two persons there shall be 2 armchairs).

(b) In any room let as a sitting room/dining room.

- (1) One dining table.
- (2) One coffee table.
- (3) Two armchairs and one settee.
- (4) Four chairs.
- (5) One cupboard or one sideboard.

(c) In any room let as a kitchen:

- (1) One electric cooker, (which shall consist of at least two cooking plates and one oven).
- (2) One fridge.

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- (3) One kitchen table.
- (4) Two chairs.
- (5) One sink unit.
- (6) One kitchen cupboard. (7) One washing machine.

(d) In any room let as a bed-sitting room:

- (1) One bed or if let for occupation by two persons, one double bed or two single beds, complete with the necessary mattresses and pillows.
- (2) One wardrobe.
- (3) One dining table.
- (4) Two armchairs.
- (5) Two chairs.
- (6) One cupboard or sideboard.
- (7) Kitchen sink unit.
- (8) One electric cooker.
- (9) One fridge.

Passed by the Gibraltar House of Assembly on the 4th day of December, 1991.

C. M. COOM.

Clerk to the Assembly.