

Subsidiary Legislation made under s.81(b).

Landlord and Tenant (Reserve Funds) Regulations, 1987**LN.1987/032**

	<i>Commencement</i>	1.4.1987
Amending enactments	Relevant current provisions	Commencement date
LN. 1992/060	rr. 4(1), 5(1)-(3), 6(1)-(2), 9	1.4.1987
“	rr. 7-9	30.4.1992

1983-49

Landlord and Tenant

1987/032 Landlord and Tenant (Reserve Funds) Regulations, 1987

ARRANGEMENT OF REGULATIONS

Regulation

1. Title and commencement.
2. Interpretation.
3. Maintenance of bank accounts.
4. Maintenance of registers.
5. Annual returns.
6. Inspection.
7. Offences by landlords.
8. Other offences.
9. Disclosure of information.

Title and commencement.

1. These Regulations may be cited as the Landlord and Tenant (Reserve Funds) Regulations, 1987 and shall come into operation on the 1st day of April, 1987.

Interpretation.

2. In these Regulations, “landlord” has the same meaning as in section 2(1) of the Act.

Maintenance of bank accounts.

3.(1) Every landlord shall keep a bank account for the reserve fund or reserve funds which he is required to maintain under section 80A(1) of the Act, and may, if he wishes, keep two or more such accounts.

(2) All moneys required under section 80A(2) of the Act to be paid into a reserve fund shall be deposited forthwith in the bank account or the appropriate bank account, as the case may be, kept in accordance with subregulation (1).

(3) No other moneys shall be paid into any such bank account.

Maintenance of registers.

4.(1) Every landlord shall maintain or cause to be maintained a register in which shall be recorded in respect of each building-

- (a) of all or part of which he is the landlord, and
- (b) for which he is required by section 80A of the Act to maintain a reserve fund, the amounts-
 - (i) received by him in respect of the building as rent;
 - (ii) paid by him into the reserve fund; and
 - (iii) expended by him for repairs to the building.

(2) For the purposes of this regulation, a register may be a bound volume or may be in loose-leaf form.

Annual returns.

1987/032 Landlord and Tenant (Reserve Funds) Regulations, 1987

5.(1) Every landlord shall, in respect of each calendar year, prepare or cause to be prepared a return showing, in respect of each building-

- (a) of all or part of which he is the landlord, and
- (b) for which he is required by section 80A to maintain a reserve fund,

the total amount-

- (i) received by him as rent;
- (ii) paid into the reserve fund;
- (iii) expended for repairs to the building,

reconciled with the balance to the credit or debit of the relevant bank account.

(2) Every return shall be certified to be correct by an auditor registered in accordance with the Auditors Registration Act.

(3) A return, so certified, shall be submitted annually by every landlord to the Rent Assessor not later than the 31st day of March in the year following that to which the return relates.

(4) An auditor shall not be eligible to certify any return under sub-regulation (2) if he has, directly or indirectly, any financial interest in the building to which the return relates.

Inspection.

6.(1) The Rent Assessor or any person authorised by him may, by notice in writing, require any landlord to produce for his inspection-

- (a) the register or registers kept by him in compliance with regulation 4;
- (b) the latest statement of account in his possession relating to the bank account, or each bank account, in which reserve funds are kept;
- (c) all copies of rent books kept by him under section 29 of the Act; and
- (d) receipts or other evidence of expenditure on the building or buildings to which the reserve fund or funds relate,

and may make copies of or extracts from any such register or document.

(2) No person shall be authorised to exercise any of the powers conferred by subregulation (1) in relation to any building in which he has, directly or indirectly, any financial interest and no person authorised to exercise such powers shall acquire, directly or indirectly, any financial interest in any building in respect of which those powers might be exercised.

Offences by landlords.

7. A landlord who contravenes the provisions of regulation 3, 4 or 5 or who refuses or fails, after reasonable notice, to produce any register or other document or to permit a copy or extract to be made, contrary to section 6(1), is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale.

Other offences.

8. A person who contravenes the provisions of regulation 5(4) or 6(2) is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale.

Disclosure of information.

9. The Rent Assessor or a person authorised by him who discloses any information which was obtained by him in the exercise of the Powers conferred on him by regulation 6, otherwise than to the in the case of a person authorised by the Rent Assessor, the Rent Assessor or in the course of proceedings brought under these regulations, is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale.