



Tuvalu

RENT REVIEW ORDINANCE

10 of 1974, 5 of 1975



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RENT REVIEW ORDINANCE

10 of 1974, 5 of 1975

AN ORDINANCE TO MAKE PROVISION FOR THE QUINQUENNIAL REVIEW OF RENTS AND FOR MATTERS CONNECTED THEREWITH

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [27th August 1974]

1 Short title

This Ordinance may be cited as the Rent Review Ordinance.

2 Interpretation

In this Ordinance “lease” includes a sub-lease.

3 Application

Subject to the other provisions of this Ordinance, this Ordinance shall apply to all leases of land whether native land or otherwise.

4 Rent to be reviewed every 5 years

- (1) The rent reserved by a lease commencing on or after the day this Ordinance came into operation, or which commenced within the period of 5 years immediately preceding that day, shall, notwithstanding any provision in the lease to the contrary, be reviewed by agreement between

the parties on the fifth anniversary of the commencement of the lease and thereafter at intervals of 5 years.

- (2) The rent reserved by an existing lease which commenced before the period of 5 years immediately preceding the day this Ordinance came into operation shall, notwithstanding any provision in the lease to the contrary, be reviewed by agreement between the parties on that day and thereafter at intervals of 5 years.
- (3) This section shall not apply to a lease which provides that the rent reserved thereby shall be first reviewed by agreement between the parties on or before the fifth anniversary of the commencement of the lease and thereafter at intervals of less than 5 years.

5 Reference to Lands Courts Appeals Panel

- (1) Where the rent reserved by a lease is required by this Ordinance or otherwise to be reviewed by agreement between the parties then in the absence of agreement they shall refer the matter to the Lands Courts Appeals Panel for determination unless the lease expressly states that the matter shall be referred for determination to some other body or person.
- (2) Notwithstanding subsection (1), where in any lease it is provided that in the absence of agreement between the parties on the review of the rent reserved by the lease the matter shall be referred to a public officer for determination the matter shall be so referred to the Lands Courts Appeals Panel.

6 Procedure on reference to Lands Courts Appeals Panel

All references to the Lands Courts Appeals Panel in consequence of the failure of the parties to a lease to review by agreement the rent reserved by the lease shall be heard and finally determined by one or more members of the Panel who shall be designated by the President or in his absence by the Vice-President of the Panel.

7 Rent as varied to be paid from date of review

Where the rent reserved by a lease is required by this Ordinance or otherwise to be reviewed by agreement between the parties and the rent is in consequence varied either by agreement or after reference to the Lands Courts Appeals Panel or other body or person the rent as varied shall be payable from the date on which the rent was so required to be reviewed unless the parties agree that it shall be payable from some other date.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References