

THE LANDLORD AND TENANT (AMENDMENT) BILL
(No. XXIII 2009)

Explanatory Memorandum

The object of this Bill is to amend the Landlord and Tenant Act to –

- (a) make fresh and more reasonable provision for increases in the rent payable for business premises let on or before 1 July 2005; and
- (b) provide that the Act shall no longer apply to any such business premises after 31 December 2017.

DR. A. T. KASENALLY
Minister of Housing and Lands

27 November 2009

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ARRANGEMENT OF CLAUSES

Clause

- 1. Short title
 - 2. Interpretation
 - 3. Section 3 of principal Act amended
 - 4. Section 9 of principal Act amended
 - 5. Section 34 of principal Act amended
 - 6. Second Schedule to principal Act repealed and replaced
 - 7. Commencement
- SCHEDULE

A BILL

To amend the Landlord and Tenant Act in relation to business premises let on or before 1 July 2005

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Landlord and Tenant (Amendment) Act 2009.

2. Interpretation

In this Act –

“principal Act” means the Landlord and Tenant Act.

3. Section 3 of principal Act amended

Section 3 of the principal Act is amended, in subsection (2)(ab), by deleting the words “30 June 2012” and replacing them by the words “31 December 2017”.

4. Section 9 of principal Act amended

Section 9 of the principal Act is amended, in subsection (4), by deleting the words “the formula set out in”.

5. Section 34 of principal Act amended

Section 34 of the principal Act is amended, in subsection (2), by inserting, after the words “may provide”, the words “for the amendment of the Schedules and”.

6. Second Schedule to principal Act repealed and replaced

The Second Schedule to the principal Act is repealed and replaced by the Second Schedule specified in the Schedule to this Act.

7. Commencement

This Act shall come into operation on 1 January 2010.

SCHEDULE

[Section 6]

SECOND SCHEDULE

[Section 9(4)]

1. In paragraph 2 –

“A” means –

- (a) the market rent of the business premises as agreed by the landlord and the tenant; or
- (b) where no such agreement has been reached, the market rent as determined by the Tribunal; and

“B” means the rent payable immediately before the agreement on, or the determination of, the market rent, as the case may be.

2. The rent payable for any business premises let on or before 1 July 2005 may be increased by an amount equivalent to $10\% \times (A-B)$ –

- (a)
 - (i) where the rent has, pursuant to section 9(4), been increased before 1 January 2010, at the end of 12 completed months from the date of the last increase; or
 - (ii) where no such increase has been effected, on the first day of the month which follows the date of an agreement on, or a determination of, the market rent; and
 - (b) at the end of every subsequent completed period of 12 months.
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