



**Tuvalu**

# **RENT REVIEW ACT**

**2022 Revised Edition**

**CAP. 46.26**





Tuvalu

## RENT REVIEW ACT

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Tuvalu

## RENT REVIEW ACT

### AN ACT TO MAKE PROVISION FOR THE QUINQUENNIAL REVIEW OF RENTS AND FOR MATTERS CONNECTED THEREWITH<sup>1</sup>

Commencement [27th August 1974]

#### 1 Short title

This Act may be cited as the Rent Review Act.

#### 2 Interpretation

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

#### 3 Application

Subject to the other provisions of this Act, this Act 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 Act 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 Act 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 Magistrates' Court**

- (1) Where the rent reserved by a lease is required by this Act or otherwise to be reviewed by agreement between the parties then in the absence of agreement they shall refer the matter to the Magistrates' Court 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 Magistrates' Court.<sup>2</sup>

## **6 *Repealed*<sup>3</sup>**

## **7 Rent as varied to be paid from date of review**

Where the rent reserved by a lease is required by this Act 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 Magistrates' Court 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.<sup>4</sup>

## **ENDNOTES**

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<sup>1</sup> 1990 Revised Edition, Cap. 81 – Acts 10 of 1974 and 5 of 1975

Amended by Act 9 of 2021, commencement 3 June 2022 by LN 26/2022; This amending Act contained a section that provided that orders, rulings, decisions, or judgments of the Lands Court Appeal Panel concerning this Act, are saved, remain valid and continue in force; and likewise certain pending matters before the Island Court continue for determination by the Magistrate's Court

<sup>2</sup> Amended by Act 9 of 2021

<sup>3</sup> Repealed by Act 9 of 2021

<sup>4</sup> Amended by Act 9 of 2021