

LAWS OF THE GILBERT ISLANDS
REVISED EDITION 1977

CHAPTER 90

RENT REVIEW

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Application
4. Rent to be reviewed every 5 years
5. Reference to magistrates' court
6. Rent as varied to be paid from date of review

An Ordinance to make provision for the quinquennial review of rents and for matters connected therewith

10 of 1974
5 of 1975
8 of 1978

Commencement: 27th August 1974

1. This Ordinance may be cited as the Rent Review Ordinance. Short title
2. In this Ordinance— Interpretation
 "lease" includes a sub-lease; and
 "the magistrates' court" means the magistrates' court for the relevant district composed under section 7 (4) of the Magistrates' Court Ordinance. Cap. 52
3. (1) Subject to the other provisions of this Ordinance, this Ordinance shall apply to all leases of land whether native land or otherwise. Application
 (2) This Ordinance shall not apply to leases of land situated in Ocean Island.
4. (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, Rent to be reviewed every 5 years

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.

Reference to
magistrates'
court

5. (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 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 the administrative officer in charge of the district for determination the matter shall be so referred to the magistrates' court.

Rent as varied
to be paid
from date of
review

6. 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 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.

THE GILBERT ISLANDS
(No. 8 of 1978)

I assent.

R.J. Wallace
Governor

29th September, 1978

AN ORDINANCE

TO MAKE FURTHER PROVISIONS FOR AMENDMENTS TO CERTAIN
ORDINANCES CONSEQUENTIAL UPON THE ENACTMENT OF THE
MAGISTRATES' COURT ORDINANCE 1977

Commencement: 29th September, 1978

ENACTED by the Governor with the advice and consent of
the House of Assembly:-

1. This Ordinance may be cited as the Magistrates' Courts (Consequential Amendments) Ordinance 1978. Short title
2. The Ordinances set out in the first column of the Schedule shall be amended to the extent set out in the second column of the Schedule. Amendments of legislation specified in the Schedule

SCHEDULE

<u>FIRST COLUMN</u>	<u>SECOND COLUMN</u>
Deportation (Immigrant British subject) Ordinance (Cap 79) <i>rep.</i>	The Ordinance shall have effect as if for the words "Senior Magistrate" wherever those words occur there were substituted the words "High Court"
Criminal Procedure Code (Cap. 7)	Section 67 is amended in subsection (1) by inserting after paragraph (iii) the following: "(iv) that any particular criminal case or class of cases be transferred from a Magistrates' Court to the High Court".
Rent Review Ordinance 1974 (No. 10 of 1974)	Section 5 is amended by repealing the words "the Lands Courts Appeal Pa-

nel" wherever they appear and substituting the words "a Magistrates' Court".

Section 6 is repealed.

Section 7 is amended by repealing the words "the Lands Courts Appeals Panel" and substituting the words "a Magistrates' Court".

Native Lands (Amendment)
Ordinance (No. 19 of 1977)

At the end of the proviso to section 5 (which relates to the saving of jurisdiction of the Lands Courts Appeals Panel) the following proviso should be added:

"And provided that an appeal to the High Court shall lie against any determination of the Lands Courts Appeals Panel in accordance with the provisions of section 25, and the High Court, for the purposes of this section shall comprise the Chief Justice or a Judge sitting alone".

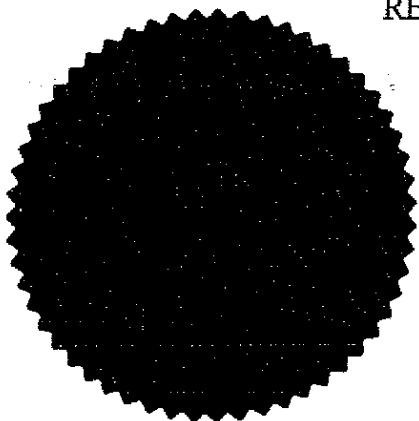
This printed impression has been carefully examined by me with the Bill which passed the House of Assembly on the 31st day of August 1978 and is found by me to be a true and correctly printed copy of the said Bill.

MATITA TANIERA
Clerk of the House of Assembly

Published by exhibition at the Public Office of the Governor this 4th day of October, 1978.

TEKOREAUA KAIRORO
for Secretary to the Chief Minister

REPUBLIC OF KIRIBATI
(No. 13 of 2008)



I assent,

Ando Tung

Beretitenti

23 December, 2008

AN ACT TO AMEND THE RENT REVIEW ORDINANCE (CAP 90) TO
CATER FOR THE REVIEW OF RENTS TO TAKE PLACE EVERY 3
YEARS AND FOR CONNECTED PURPOSES

Commencement:
2008

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

1. Short title and Commencement date

This Act may be cited as the Rent Review (*Amendment*) Act 2008 and shall be deemed to have come into operation on 1st January 2006.

2. Amendment of section 4

Section 4 of the Rent Review Ordinance, Cap. 90 is amended by repealing the words "5 years" and "fifth anniversary" wherever they appear in subsections (1), (2) and (3) of that section and substituting the words "3 years" and "third anniversary" respectively.

EXPLANATORY MEMORANDUM

The purpose of this short amendment is to enable the landowners to realize the value of their lands every 3 years and not every 5 years as is presently the case.

With inflation going up every year and not every 5 years, it is hoped that a triennial review of rents will bring the landowners closer to the real value of their land and to reap the benefit of such rise in value every 3 years and not every 5 years.

Of course without this amendment it is still possible for parties to review the rent every 3 years but as we all know we have taken advantage of the law as it now stands and carried out the rent reviews every 5 years since the time the Rent Review Ordinance came into being.

The Rent Review Ordinance came into force on 27th August, 1974. The need to have it amended is long overdue.

Banuera Berina MP
South Tarawa
July 2008

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

This printed impression of the Bill has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 10th December 2008 and is found by me to be a true and correctly printed copy of the said Bill.



**Eni Tekanene
Clerk of the Maneaba ni Maungatabu**

**Published by exhibition at the Maneaba ni Maungatabu this
day of December 2008.**

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Clerk of the Maneaba ni Maungatabu