

Explanatory Memorandum

Tenancy Tribunal (Amendment) Bill 1997

(Michael Moore)

Summary This Bill aims to widen the range of matters to which the dispute resolution process of the Act applies.

The result of this Bill would be to remove some remaining limits on the classes of retail and commercial tenancies which may be brought before the Tenancy Tribunal for decision.

The Bill would also add to the list of classes of dispute which the Tribunal may consider an express reference to cases where the rent is alleged to be excessive.

Clause 2 Commencement — note that the Commencement clause includes a 3-month ‘Macklin’ clause

Clause 4 Interpretation - “lease”—these amendments are of a fairly minor nature, and widen the ambit of tenancy-type situations to which the Act’s dispute process applies.

Clause 5 Interpretation - “small commercial premises”—this amendment, which is related to the amendments in clause 6(b), omits the current class of premises to which the dispute process does not apply.

Clause 6 Leases—this amendment would remove all the conditioning words in the provisions referring to the types of premises which may be the subject of dispute before the Tenancy Tribunal. The result would be a bare reference to “retail premises” and “commercial premises” (together with other premises specified in the Code).

Clause 7 Disputes—this amendment would add to the catalogue of dispute matters to which this Act applies a reference to disputes about whether the rent was excessive.

Note that paragraph (h) of the catalogue already includes a reference to “any other dispute about a lease”. Specific addition of this reference will clearly provide that the original ambit of the Act, which had been a matter of long debate, has been widened.