

Rent Act, 2014



THE GAMBIA

NO. 10 OF 2014

Assented to by The President,

this 9th day of October, 2014



[Signature]

YAHYA A. J. JAMMEH

President



AN ACT to repeal the Rent Tribunal (Establishment) Act 2010 to establish a law to regulate and exercise control on rental properties in The Gambia and for connected matters.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. Short title

This Act may be cited as the Rent Act, 2014.

2. Interpretation

In this Act, unless the context otherwise requires-

"administrative area" means an administrative area as defined in the Local Government Act;

[cap.33.01]

"Chairperson" means the Chairperson of a tribunal appointed under section 4;

"landlord" includes any person who has a right to enforce payment of a rent or a person to whom a tenant pays rent for the occupation of a property to which this Act applies;

"Minister" means the Attorney General and Minister of Justice;

"property" includes any compound, house, flat, room or premises to which this Act applies;

"rent" includes monies paid by a tenant to a landlord for the occupation of a property for a given period as agreed upon by the landlord and the tenant;

"tenant" includes a person occupying, on payment of rent, any property to which this Act applies; and

"Tribunal" means a Tribunal established under section 4.

3. Application

This Act shall apply to all rental premises in The Gambia whether domestic, commercial or tourist accommodation.

PART II- ESTABLISHMENT OF RENT TRIBUNALS AND APPOINTMENT OF REGISTRARS

4. Establishment of Rent Tribunals

(1) The Attorney General may establish by notice published in the gazette, a Rent Tribunal established in each administrative area.

(2) The Chairperson of a Tribunal shall be appointed by the Minister after consultation with the Chief Justice.

(3) The other members of a Tribunal shall be appointed by the Minister after consultation with the Public Service Commission.

5. Composition of a Tribunal

(1) A Tribunal shall be presided over by a First Class Magistrate as Chairperson and a panel of two other members.

(2) Officers of the Magistrate's Court appointed under section 24 of the Courts Act shall be the officers of the Tribunal.

[cap.6:01]

(3) The officers of the Tribunal -

(a) may exercise such powers and perform such duties, in so far as they are applicable to the business of the Tribunal, as those exercised or performed by them in the Magistrate's Court; and

(b) are subject to the same liabilities and penalties and have the same protections as attach by virtue of the Courts Act to a person exercising or performing similar powers or duties under that Act.

6. Registrar of a Tribunal

The Minister shall appoint for each Tribunal, a Registrar who shall -

Where a member of a Tribunal has a personal interest in a matter that is before the Tribunal, he or she shall disclose to the Tribunal the nature and extent of his or her interest and shall withdraw from the proceedings of the tribunal.

9. Disclosure of interest

(1) The members of a Tribunal shall hold office for a period of three years effective from the date of their appointment and are eligible for re-appointment.
(2) Where the office of a member falls vacant otherwise than by the expiry of his or her term of office, or where a member is for any reason incapable of performing his or her duties, the Minister shall appoint another person with the requisite qualifications to hold office for the unexpired residue of the term of office of such person.

8. Tenure of office

- (a) ensuring compliance by landlords and tenants with the provisions of this Act;
 - (b) monitoring the implementation of the provisions of this Act; and
 - (c) adjudicating disputes between landlords and tenants.
- A Tribunal shall be responsible for-

7. Functions of a Tribunal

- (a) keep an up to date register of all rented properties within the jurisdiction of the Tribunal;
- (b) keep an up to date register of the personal details of all landlords within the jurisdiction of the Tribunal;
- (c) receive and register all complaints filed with the Tribunal; and
- (d) compile and send a return of all rental premises and landlords within the jurisdiction of the Tribunal to the Gambia Revenue Authority at the end of every year.

10. Remuneration

The Chairperson and members of a Tribunal shall be paid such remuneration as may be determined by the Attorney General.

11. Proceedings and examination of witnesses

(1) The proceedings of a Tribunal shall be held in public, unless the Tribunal with the consent of the parties, decide otherwise.

(2) A Tribunal shall, in carrying out its duties, have the power to examine witnesses on oath and summon any person to give evidence or produce any document which it considers relevant.

PART III-REGISTER OF RENTAL PREMISES

12. Register of rental premises

(1) Every Landlord shall register his or her rental premises using the form prescribed in schedule I, with the Registrar of the Tribunal within the jurisdiction his or her premises is situated on payment of the fees prescribed in Schedule II.

(2) The Registrar shall keep a register of all rental premises and shall make the register available for inspection in such place and manner as the Tribunal may direct.

(3) The register shall contain-

(a) the name, address and tax identification number (TIN) of the land lord;

(a) the date of registration of the property;

(b) the name and tax identification number (TIN) of the tenant if the premises is occupied;

(c) the rent charged on the rented property;

(d) currency in which rent is charged;

(g) the specifications and location of the property; and

(h) such other particulars with regard to the tenancy as the Tribunal may consider relevant.

(4) A Tribunal shall not hear a complaint from a landlord –

(a) whose rented premises has not been registered under this Act; or

(b) who does not produce evidence of his or her tax return on the premises for the preceding year.

(5) A person who lets a property which is not registered under this Act commits an offence.

PART IV – TERMS OF TENANCY AGREEMENTS

13. Implied covenants

(1) Subject to the expressed provisions of a tenancy agreement, it is the responsibility of every tenant –

(a) to pay rent on the due date and a condition for forfeiture for nonpayment of rent fourteen days after such rent is due;

(b) to afford the landlord access to the property and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute;

(c) to deliver the premises to the landlord in a tenable state at the expiration of his or her tenancy;

(d) to repair and replace all damage to the property, except for reasonable wear and tear; and

(e) not to make any alteration or addition without the written consent of the landlord.

(2) A tenancy is deemed terminated if –

(a) vacant possession is delivered up;

(b) the landlord determines the tenancy for failure to pay rent or for breach of any other covenant or condition which under any provision of law would have been a cause of forfeiture or termination;

(c) a notice of termination is issued under section 14.

14. Notice of termination

(1) A Landlord or tenant may terminate a tenancy by notice in writing, specifying the date at which the tenancy is to come to an end.

(2) Notwithstanding sub-section (1), a person who gives the notice may withdraw the notice before the tenancy comes to an end.

(3) A notice under subsection (1) shall not have effect unless-

(a) in the case of a weekly tenancy, the notice is given not less than one month;

(b) in the case of a monthly tenancy, the notice is given not less than one month; and

(c) in the case of a yearly tenancy, the notice is given not less than three months,

before the date of termination specified in the notice.

(4) Where a tenancy is for a period exceeding one year and the rent is payable as a lump sum or in parts whether quarterly, annually or otherwise, it shall be construed as a yearly tenancy and the period of notice prescribed in sub-section (3) (c) shall apply.

15. Power of a Tribunal in relation to notices

(1) Where a notice of termination of a tenancy is served on a tenant under section 14 and the date of termination specified in the notice has not expired, the tenant may apply to a Tribunal for the extension of the termination date.

(2) An application made under subsection (1) shall state the reasons for the application.

(3) Where an application is made under this section, the notice of termination to which the application relates shall not have effect before the determination of the application, unless the application is withdrawn.

(4) On an application under this section, the Tribunal may, after-

(1) A landlord shall not demand the payment of advance rent money beyond one month for low cost rental premises.

18. Advance rent payments

A landlord shall not demand the payment of rent in a foreign currency for any type of rented premises.

17. Prohibition against foreign currency rent payments

Where a tenant defaults in the payment of rent, a landlord may make an application to a Tribunal which shall, after hearing all the parties, make such order or orders as it deems fit.

16. Payment of arrears of rent

(7) An ejection order under sub-section (6) shall be executed by the Inspector General of Police or such other person as a Tribunal may appoint for that purpose.

(6) Where a Tribunal refused to make an order on an application under this section, or a tenant, after the expiry of the termination date refuses to give up possession of a property, the Tribunal may, on an application by the landlord make an ejection order against the tenant.

(b) no subsequent application under this section shall be made in relation to the same notice of termination.

(a) the notice of termination shall not have effect before the expiry of seven days from the determination of the application or the expiry of the date specified in the notice of termination, whichever is later; and

(4)-

(5) If the Tribunal refuses to make an order under sub-section (4)-

make an order extending the notice of termination to such period, not exceeding one month from the date on which the notice of termination by the landlord would have effect, as may be specified in the order.

(b) giving to each party an opportunity of being heard or at his option, of submitting representations in writing,

(a) making such inquiry as it thinks fit; and

(2) For the purpose of sub-section (1), low cost rental premises means premises that cost three thousand dalasis and below per month.

19. Notice of rent increments

A landlord shall not increase the amount of rent for his or her rental premises unless he or she gives the tenant at least three months written notice of such increment.

PART V - MISCELLANEOUS

20. Appeal and stay of execution

(1) A person who is not satisfied with a decision of a Tribunal may-

(a) within thirty days of the decision or order, apply to the Tribunal for a review of the decision or order; or

(b) appeal to the High Court.

(2) Where a person makes an application for review or lodges an appeal under sub-section (1), a Tribunal may make an order staying execution of its decision or order which is the subject of the application or appeal, pending the outcome of such application or appeal.

21. Offences

A person who contravenes any provision of this Act commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis.

22. Regulations

The Minister may make regulations-

(a) regulating further the relationship between landlords and tenants;

(b) enhancing the powers of Tribunals for the efficient and effective implementation of the provisions of this Act; and

(c) prescribing such matters as may be prescribed under this Act.

13. Is any commercial activity carried on the property or on a property adjacent or close to your property?

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If No, state year (s) and amount of arrears owing

evidence

12. Have all rates in respect of the property been fully paid? Yes/No..... (support answer with documentary

11. The ratable value of the property or the rent payable for the Property.....

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10. Nature of property (state whether cement block house, mud block house, krinting or other type (please specify) and the type of roofing and ceiling, if any)

Yes/No.....

9. Does the applicant or owner live in the same property to be let?

If yes, approximately by how many tenants?

8. Are the facilities in the property to be shared by tenants? Yes/No.....

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7. Type of facilities provided in the property (support answer with documentary evidence, if any)

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6. Age of property since built (support answer with documentary evidence, if any)

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5. How many of the type of property to be let are available in the same place?

14. What is the legal status of the property?

Freehold

Leasehold

Customary Tenure

Others (please specify)

15. Additional information about the property which you would like the Tribunal to know.

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Signature of Applicant

Date

SCHEDULE II
(section 12)
FEEES

FOR BANJUL, KANIFING MUNICIPALITY AND WEST COAST

REGION

1. Application form D50:00

2. Registration D150:00

3. Application for review of decision or order D100:00


FOR LOWER RIVER, CENTRAL RIVER, NORTH BANK AND
UPPER RIVER REGIONS

1. Application form D25:00

2. Registration D75:00

3. Application for review of decision or order D100:00

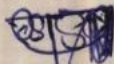
PASSED in the National Assembly this Twenty-Fifth day of August in the year of Our Lord Two Thousand and Fourteen.



D. C. M. Kebbeh

Clerk of the National Assembly

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.



D. C. M. Kebbeh

Clerk of the National Assembly

THE GAMBIA
NO. 14 OF 2014

Presented to by The President

Day of October, 2014

YAHYA A. T. JAMMEH

President

to attend the Criminal Code and for connected

by the President and the National Assembly

to be cited as the Criminal Code (Amendment) Act