



Number 42 of 2019

Landlord and Tenant (Ground Rents) (Amendment) Act 2019



Number 42 of 2019

LANDLORD AND TENANT (GROUND RENTS) (AMENDMENT) ACT 2019

CONTENTS

Section

1. Definition
2. Amendment of section 3 of Act of 1978
3. Amendment of section 9 of Act of 1978
4. Amendment of section 10 of Act of 1978
5. Amendment of section 15 of Act of 1978
6. Amendment of Valuation Act 2001
7. Short title, collective citation and commencement

ACTS REFERRED TO

Landlord and Tenant (Ground Rents) (No. 2) Act 1978 (No. 16)

Landlord and Tenant (Ground Rents) Act 1967 (No. 3)

Landlord and Tenant Acts 1967 to 2008

Valuation Act 2001 (No. 13)

Valuation Acts 2001 to 2015



Number 42 of 2019

LANDLORD AND TENANT (GROUND RENTS) (AMENDMENT) ACT 2019

An Act to amend the Landlord and Tenant (Ground Rents) (No. 2) Act 1978; to amend the Valuation Act 2001; and to provide for related matters. [21st December, 2019]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act—

“Act of 1967” means the Landlord and Tenant (Ground Rents) Act 1967;

“Act of 1978” means the Landlord and Tenant (Ground Rents) (No. 2) Act 1978.

Amendment of section 3 of Act of 1978

2. Section 3 of the Act of 1978 is amended by the insertion of the following definition after the definition of “the Act of 1967”:

“ ‘the Act of 2001’ means the Valuation Act 2001;”.

Amendment of section 9 of Act of 1978

3. Section 9 of the Act of 1978 is amended—

(a) in subsection (1)—

(i) by the substitution of the following paragraph for paragraph (b):

“(b) that where the permanent buildings comprise, in whole or in part, an alteration or reconstruction, the alteration or reconstruction caused those buildings to lose their original identity;”,

and

(ii) by the substitution of the following paragraph for paragraph (c):

“(c) that the permanent buildings and, where applicable, any alteration or reconstruction referred to in paragraph (b) which caused those buildings to lose their original identity, were not erected in contravention of a covenant in the lease; and”,

(b) by the deletion of subsection (2), and

(c) by the insertion of the following subsection after subsection (5):

“(6) For the purposes of subsection (1)(b) or (c), in considering whether the permanent buildings have lost their original identity the arbitrator—

(a) may have regard to all or any of the following matters—

- (i) a change in the use of the buildings,
 - (ii) the extent of any alteration or reconstruction,
 - (iii) a change in the character of the buildings, and
 - (iv) such other matter as the arbitrator considers relevant,
- and

(b) shall not refuse to hold that the buildings have lost their original identity by reason only of the fact that a part or parts of the original buildings are identifiable at the date of service under section 4 of the Act of 1967 of a notice of intention to acquire the fee simple or at the date of an application under Part III, as the case may be.”.

Amendment of section 10 of Act of 1978

4. (1) Section 10 of the Act of 1978 is amended—

(a) in condition 1, by the substitution of “permanent buildings or such of those permanent buildings as have caused the buildings to lose their original identity” for “permanent buildings”,

(b) by the substitution of the following condition for condition 2—

“2. that the lease is for a term of not less than fifty years and the yearly amount of the rent or the greatest rent reserved thereunder (whether redeemed at any time or not) is of an amount that is less than the amount of the rateable valuation of the property and that the permanent buildings on the land demised by the lease were not erected by the lessor or any superior lessor or any of their predecessors in title provided that—

(a) it shall be presumed until the contrary is proved that the permanent buildings were not so erected,

(b) a reference in this condition and in section 15(1)(e) to ‘predecessors in title’ shall not be taken to include a reference to any previous lessee of the land demised by the lease, and

(c) “rateable valuation” in this condition and in section 15(1)(d)

(i) means—

- (i) in relation to property in respect of which the Commissioner of Valuation may issue a certificate under section 67 of the Act of 2001, the rateable valuation of that property as stated in a certificate so issued, and

- (ii) in relation to property, other than property which comes within clause (i), the rateable valuation of that property as stated in a certificate issued under section 67A of the Act of 2001;”,

and

- (c) in condition 5(a), by the substitution of “the rateable valuation of the property at the date of the grant of the lease as stated in a certified copy extract, issued under section 67B of the Act of 2001, of a valuation list in existence at the date of such grant” for “the rateable valuation of the property at the date of the grant of the lease”.
- (2) The amendments to section 10 of the Act of 1978 effected by *subsection (1)(b)* apply where a notice of intention to acquire the fee simple is served under section 4 of the Act of 1967 or an application is made under Part III of the Act of 1978 after 5 November 2019.

Amendment of section 15 of Act of 1978

5. (1) Section 15(1)(d) of the Act of 1978 is amended in clause (i) by the deletion of the words “at the date of service of that notice of intention or application”.
- (2) The amendment to section 15 of the Act of 1978 effected by *subsection (1)* applies where a notice of intention to acquire the fee simple is served under section 4 of the Act of 1967 or an application is made under Part III of the Act of 1978 after 5 November 2019.

Amendment of Valuation Act 2001

6. The Valuation Act 2001 is amended by the insertion of the following sections after section 67:

“Valuation for certain purposes of property not falling within Schedule 4

67A. (1) The Commissioner may, in relation to property that does not fall within Schedule 4 and for the purposes of condition 2 of section 10 and section 15(1)(d)(i) of the Act of 1978, on application being made to him or her in that behalf by a person who appears to the Commissioner to have a sufficient interest in the matter, cause the value of the property to be determined in accordance with subsection (2).

- (2) If the value of a property falls to be determined for the purposes of subsection (1), that determination shall be made by reference to the values of other comparable properties, as appeared on an existing valuation list (as distinct from those that appear on a valuation list published under this Act) relating to the rating authority area in which that property is situate.
- (3) The value of the property determined in accordance with subsection (2) shall be deemed to be the rateable valuation of the property for the purposes referred to in subsection (1).

- (4) The Commissioner shall issue a certificate stating the value of the property as determined under subsection (2) to the person who made the application under subsection (1).
- (5) A reference in this section to a certificate issued by the Commissioner includes a reference to a certificate issued by a person duly authorised by the Commissioner to so issue.
- (6) The production to a court or the Property Registration Authority of a certificate issued under subsection (4), purporting to state the value of a property determined under subsection (2), shall, without proof of the signature of the Commissioner or other person duly authorised by the Commissioner, be sufficient evidence, until the contrary is proven, of the matters stated in the certificate.
- (7) In this section and section 67B, “Act of 1978” means the Landlord and Tenant (Ground Rents) (No. 2) Act 1978.

Rateable valuation of property for purposes of condition 5 of section 10 of Act of 1978

- 67B.** (1) The Commissioner may, for the purposes of condition 5 of section 10 of the Act of 1978, issue a certified copy extract of a valuation list in existence on the date of the grant of a lease of property to which that condition refers (as distinct from an extract of a valuation list published under this Act) stating the rateable valuation of that property on the date of such grant.
- (2) A reference in this section to a certified copy extract of a valuation list includes a reference to a copy extract of a valuation list certified by a person duly authorised by the Commissioner to so certify.
 - (3) A certified copy extract of a valuation list issued under this section shall, until the contrary is proved, be regarded as a true copy of that extract.
 - (4) The production to a court or the Property Registration Authority of a certified copy extract of a valuation list issued under subsection (1), purporting to be an extract of a valuation list, shall, without proof of the signature of the Commissioner or other person duly authorised by the Commissioner, be sufficient evidence, until the contrary is proved, of the matters stated in the document.”.

Short title, collective citation and commencement

7. (1) This Act may be cited as the Landlord and Tenant (Ground Rents) (Amendment) Act 2019.
- (2) The Landlord and Tenant Acts 1967 to 2008 and this Act, other than *section 6*, may be cited together as the Landlord and Tenant Acts 1967 to 2019.
- (3) The Valuation Acts 2001 to 2015 and *section 6* may be cited together as the Valuation

Acts 2001 to 2019.

- (4) This Act shall come into operation on such day or days as the Minister for Justice and Equality may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.