Commercial Tenancies (COVID-19 Response) Amendment Regulations 2021

SL 2021/8

Made by the Governor in Executive Council.

1. Citation
   These regulations are the Commercial Tenancies (COVID-19 Response) Amendment Regulations 2021.

2. Commencement
   These regulations come into operation as follows —
   (a) regulations 1 and 2 — on the day on which these regulations are published in the Gazette;
   (b) the rest of the regulations — on the day after that day.

3. Regulations amended
   These regulations amend the Commercial Tenancies (COVID-19 Response) Regulations 2020.

4. Regulation 4AA inserted
   After regulation 4 insert:

4AA. Modified s. 9 of Act applies to certain cases after emergency period (s. 23)
   (1) For the purposes of section 23 of the Act, after the emergency period, section 9 of the Act applies as if amended as set out in subregulation (3) to a case where the grounds for taking prohibited action is a breach that —
       (a) occurred when the tenant was an eligible tenant in relation to the small commercial lease; and
       (b) is the subject of a dispute that is being dealt with, but is not yet resolved, under Part 5 of the Act.
   (2) For the purposes of subregulation (1)(b), a dispute is being dealt with under Part 5 if a party to the dispute has —
(a) under section 18 of the Act, requested the Commissioner to undertake alternative dispute resolution with the other party in respect of the dispute; or

(b) under section 16 of the Act, applied to the Tribunal to have the dispute determined by the Tribunal.

(3) In section 9 delete “cannot take prohibited action during the emergency period” and insert:

cannot take prohibited action after the emergency period

N. HAGLEY, Clerk of the Executive Council.