

AGRICULTURAL SMALL HOLDINGS TENURE ACT

CHAPTER 59:53

Act

32 of 1961

Amended by

40 of 1970

45 of 1979

*31 of 1980

**19 of 1981

*16 of 1987

†25 of 2005

*See Note on Validation at page 2

**See Note on Amendment at page 2

† See Note on page 2

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LAWS OF TRINIDAD AND TOBAGO

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Note on Amendment

Section 38(4) of this Act has been amended by Act No. 19 of 1981. However, Act No. 19 of 1981 had not, up to the date of the revision of this Act, been brought into operation.

Note on Validation

This Act was re-enacted with retrospective effect, and all acts done under it were validated, by Act No. 31 of 1980.

See also section 6 of Act No. 16 of 1987 which provides as follows:

“Notwithstanding any law to the contrary, it is hereby declared that all tribunals purported to have been established under the Act together with the respective agricultural districts in which those tribunals exercised their powers and duties are deemed to have been established in accordance with the Act, and all things done or omitted to be done by any agricultural tribunal are deemed to have been lawfully and validly done or omitted to be done, and no legal proceedings or other action of any kind shall be entertained in respect of or in consequence of such acts and things.”.

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister’s approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

Note on Act No. 25 of 2005

Section 13 of the Caroni (1975) Limited and Orange Grove National Company Limited (Divestment) Act, 2005 (Act No. 25 of 2005) provides as follows:

“Non-application of certain Acts Ch. 59:53, Ch. 59:54 and Ch. 57:05.

13. (1) Subject to subsection (2) from the appointed day, the Agricultural Small Holdings Tenure Act, the Land Tenants (Security of Tenure) Act and the State Lands (Regularisation of Tenure) Act, shall not apply to the real estate undertakings vested in the State.

(2) This Act shall not operate to extinguish or otherwise derogate from any rights, benefits, legitimate expectations or real estate undertakings already acquired by or vested in any tenant or squatter under the Acts listed in subsection (1).”.

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AGRICULTURAL SMALL HOLDINGS TENURE ACT

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CHAPTER 59:53

AGRICULTURAL SMALL HOLDINGS TENURE ACT

32 of 1961. **An Act to provide for better security of tenure for farmers of small agricultural holdings, to restrict the right to recover possession of such holdings and for purposes connected with the matters aforesaid, and to apply the loan provisions of the Agricultural Development Bank Act to certain tenancies.**

Ch. 79:07.

*Commencement.
[24/1966.
31 of 1980].
Short title.

[1ST MARCH 1966]

1. This Act may be cited as the Agricultural Small Holdings Tenure Act.

Interpretation.

2. (1) In this Act—

“agricultural district” means that area of Trinidad and Tobago in which an agricultural tribunal may exercise its powers and duties under this Act;

“agricultural land” means any arboreal plantation, banana land, cane land, market garden land or rice land;

“arboreal plantation” means a plantation that is let or agreed to be let for the cultivation of cacao, coffee, citrus or other arboreal products;

“banana land” means land that is let or agreed to be let for the cultivation, either wholly or mainly, of bananas or plantains;

“cane land” means land that is let or agreed to be let for the farming, either wholly or mainly, of sugar cane;

“contract of tenancy” means any contract express or implied that creates a tenancy in respect of agricultural land or any transaction that creates a licence to cultivate any agricultural land, but does not include an agricultural contract as defined in the Agricultural Contracts Act when the terms and conditions of such contracts are in writing and signed by the parties thereto;

Ch. 63:50.

*See Act No. 31 of 1980.

“landlord” means any person for the time being entitled to receive the rents and profits of any land;

“market garden land” means land that is let or agreed to be let for the cultivation of market garden crops, and other annual foodcrops except rice;

“practice of good husbandry” means in relation to any small holding that standard of husbandry determined pursuant to section 9;

“prescribed” means prescribed by regulations made under this Act;

“regulations” means regulations made under this Act;

“rice land” means land that is let or agreed to be let for use either wholly or mainly for the cultivation of paddy, if at the time of the letting or agreement to let the land is fit for the cultivation of paddy;

“small holding” means a parcel of agricultural land held under a contract of tenancy for agricultural purposes and that consists of not less than one acre nor more than fifty acres whether with or without buildings;

“tenant” means the holder of land under a contract of tenancy, and includes the personal representative, executors, administrators, assigns, committee in lunacy or trustee in bankruptcy of a tenant or other person deriving title from a tenant;

“tenancy” includes a sub-tenancy;

“tenancy instrument” means the writing evidencing a contract of tenancy;

“tribunal” means an agricultural tribunal established pursuant to section 12.

(2) A parcel of agricultural land that, immediately before the commencement of this Act, was a holding or small holding for the purposes of the Sugar Cane Small Holdings Ordinance (now repealed) or the Rents of Small Agricultural Holdings Ordinance (now repealed) but is not a small holding as defined in subsection (1) shall be deemed for the purposes of this Act to be a small holding—

Ch. 23 No. 11
(1950 Ed.).
Ch. 23, No. 20
(1950 Ed.).

(a) during the subsistence of any tenancy agreement in relation to that parcel and in effect on the commencement of this Act; and

- (b) during the continuance of any extension or renewal of the tenancy agreement.

SECURITY OF TENURE

Agricultural
small holdings.

3. (1) Notwithstanding any law or agreement to the contrary but subject to this Act, a contract of tenancy of a small holding, whether written or oral, shall—

- (a) in the case of a small holding of cane land, be deemed to be a contract of tenancy for a term of five years;
- (b) in the case of a small holding of banana land, be deemed to be a contract of tenancy for a term of five years;
- (c) in the case of a small holding of rice land, be deemed to be a contract of tenancy for a term of three years;
- (d) in the case of a small holding of market garden land, be deemed to be a contract of tenancy for a term of one year; and
- (e) in the case of a small holding of an arboreal plantation, be deemed to be a contract of tenancy for a term of ten years.

(2) For the purposes of subsection (1) the term of years therein limited for a contract of tenancy shall be computed from the date the contract of tenancy was entered into or extended or renewed, as the case may be.

(3) This section applies in respect of any land of the kind mentioned in subsection (1) that is deemed to be a small holding under section 2(2).

Statutory term
not to be
shortened.

4. No contract of tenancy of any land mentioned in section 3(1), whether the contract was made before or after the commencement of this Act, shall be terminated by the landlord or tenant of the land within the term fixed for that contract by that subsection, except in the manner provided by this Act.

5. (1) A contract of tenancy shall be evidenced by an instrument in writing called, in this Act, the tenancy instrument. Contract to be in writing.

(2) The tenancy instrument shall contain the names and addresses of the parties, the rent provided for, and the place at which the rent is to be paid, the purpose of the tenancy, the term of the contract of tenancy and such other particulars as may be prescribed.

(3) The tenancy instrument shall be in such form as may be prescribed and shall be signed by the parties thereto and attested before a justice of the peace.

(4) This section does not apply to a contract of tenancy of a small holding that was entered into before the commencement of this Act.

6. (1) The conditions set forth in this section shall be implied in every contract of tenancy of a small holding, whether entered into before or after the commencement of this Act, and shall be written under the heading "statutory conditions" into every tenancy instrument executed after the commencement of this Act. Statutory conditions.

STATUTORY CONDITIONS

1. The rental payable under this contract shall be paid annually by the tenant not later than the 31st December in each year of the term of the contract.

2. The landlord undertakes and agrees to issue to the tenant a receipt in writing for the payment of rent by or on behalf of the tenant, and the receipt shall be in such form as may be prescribed under the Agricultural Small Holdings Tenure Act.

3. The landlord undertakes and agrees not to evict or attempt to evict the tenant or to give the tenant notice to quit or otherwise to terminate or attempt to terminate the contract except as permitted and authorised by the Agricultural Small Holdings Tenure Act.

4. The tenant undertakes and agrees not to terminate or attempt to terminate the tenancy except as permitted and authorised by the Agricultural Small Holdings Tenure Act.

(2) In the case of a contract of tenancy of a small holding of cane land the following statutory condition shall be implied in the contract of tenancy and written into the tenancy instrument in addition to the statutory conditions set forth in subsection (1).

CANE LAND: The landlord undertakes and agrees that the tenant may use not more than one-fifth of the total area of the small holding for the purpose of growing food crops of the tenant.

Copy of tenancy instrument to tenant.

7. (1) Forthwith upon the execution of a tenancy instrument, the landlord shall deliver a signed copy of the tenancy instrument to the tenant.

(2) Every landlord shall keep a file which shall contain all tenancy instruments relating to small holdings and executed in respect of any of his agricultural lands.

(3) Every landlord shall permit any file kept by him pursuant to subsection (2) to be inspected at all reasonable times by any person authorised in writing for that purpose by the Minister.

(4) A landlord who fails to comply with this section is liable on summary conviction—

- (a) in the case of a first offence, to a fine of seventy-five dollars;
- (b) in the case of a second or subsequent offence, to a fine of one hundred and fifty dollars; and
- (c) in any case, to a further fine of seventy-five dollars each month during which failure to comply with any such provision continues after conviction therefor.

Extension of renewal of contract of tenancy. [16 of 1987].

8. (1) A contract of tenancy of a small holding may be extended or renewed from time to time.

(2) A tenant of a small holding who, for the term of his contract of tenancy—

- (a) has cultivated the small holding in a manner consistent with the practice of good husbandry; and

(b) has committed no breach of the contract of tenancy,

is, subject to the provisions of this Act relating to the termination of a contract of tenancy, entitled at the end of the term of the contract of tenancy to an extension of the contract of tenancy for a like term, and similarly at the end of that term or any subsequent extended term of the contract of tenancy.

(3) The aggregate of the original period of a contract of tenancy and the periods of extension thereof shall not, except with the consent in writing of the landlord, exceed twenty-five years.

8A. (1) Where a tenant requires consent in writing of a landlord under section 8(3), the tenant shall, not less than three months before the expiry of the period of twenty-five years, serve notice in writing upon the landlord of his intention to further renew the contract of tenancy for such period as may be applicable to the type of small holdings held by the tenant under section 3(1).

Further extension of contract of tenancy. [16 of 1987].

(2) Where a tenant serves a landlord with notice under subsection (1) of the tenant's intention to further renew the contract of tenancy, the landlord may, not less than thirty days before the date of expiry of the contract of tenancy under section 8(3), either give or withhold his consent by notice in writing served on the tenant.

(3) Where the tenant does not, before the expiry of the thirty-day period referred to in subsection (2), receive any notice in writing from the landlord, the landlord shall be deemed to have assented to the renewal of the contract of tenancy.

(4) Sections 3 and 8 of this Act apply to a contract of tenancy renewed under subsection (2) or subsection (3) as they apply to an original contract of tenancy, so however that the aggregate of the original period of a contract of tenancy and the periods of extension thereof, shall not exceed fifty years.

Practice of good husbandry.

9. (1) For the purposes of this Act, the “practice of good husbandry” in relation to a small holding shall be determined as a matter of fact by the tribunal, who in making or giving an order under section 38, shall take into consideration the following factors:

- (a) the character and location of the small holding, and the increase or decrease in the capital value of the small holding as a result of the cultivation practices of the tenant;
- (b) the extent to which the tenant has maintained the soil in good order in accordance with the generally accepted measures and methods used in similar locations for the conservation of soil, or in accordance with any directions or advice issued in writing to the tenant by the Minister or his nominee in respect of measures and methods most likely to conserve the soil and fertility of the small holding of that tenant;
- (c) the extent to which the tenant has maintained in good order—
 - (i) drains, embankments, ditches, terraces, barriers and hedges,
 - (ii) gates, fences and walls,
 - (iii) farm buildings, water tanks, ponds and catchments;
- (d) the extent to which the tenant has avoided any practice commonly known to have an effect harmful to the soil or that can lead to a reduction in the fertility of the small holding;
- (e) the extent to which the tenant has initiated and carried out measures for the control of pests, diseases and noxious weeds in accordance with commonly accepted good methods or in accordance with the written advice of the Minister or his nominee;
- (f) the extent to which the cultivation of the small holding by the tenant has adversely or beneficially affected other agricultural land in the vicinity of the small holding.

(2) Nothing in this section implies an obligation on the part of a tenant of a small holding to carry out repairs to drains, ditches, gates, fences, walls and farm buildings unless repairs thereto are required to be carried out by him under his contract of tenancy of the small holding.

10. A provision in a contract of tenancy of a small holding whereby the tenant purports to contract himself out of the provisions of this Act or the effect of which would be to contract the tenant out of the provisions of this Act is against public policy and void. Contracting out of Act void.

11. The landlord of a small holding, or any person authorised by him, may at all reasonable times enter in the small holding or any part of it for the purpose of making any inspection thereof that may reasonably be required for the purposes of this Act. Right of entry.

ESTABLISHMENT OF AGRICULTURAL TRIBUNALS

***12.** (1) The President may by Order establish as many agricultural tribunals as he may think fit and appoint the members thereof, in accordance with this Act. Agricultural tribunals. [40 of 1970 45 of 1979 16 of 1987].

(2) The President when establishing a tribunal shall specify in respect of that tribunal the agricultural district of the tribunal, which shall be the area of the Territory in which the tribunal shall exercise its powers and duties under this Act.

- (3) A tribunal shall consist of—
- (a) a magistrate selected by the Chief Justice, who shall be the chairman of the tribunal;
 - (b) three persons appointed by the President who shall be members at large of the tribunal;
 - (c) three persons appointed by the President on the nomination singly of the Agricultural Society of Trinidad and Tobago, of the Federation of Agricultural, Fishing and other Co-operative Societies of Trinidad and Tobago, and of the Valuers' Association; and

*See section 4 of Act No. 40 of 1970 for validation of acts of tribunals between 15th December 1968 and 4th November 1970.

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*(d) in the case of a tribunal whose agricultural district is restricted to Trinidad, two persons appointed by the President on the nomination singly of the Trinidad Island-Wide Cane Farmers Association and of the SMA Limited or its successors.

(4) The members appointed under subsection (3)(c) and (d) shall be known as the representative members of the tribunal.

(5) All appointments under this section shall be for such a period of not more than three years as the President shall specify at the time of appointment.

Meetings of tribunals.

13. (1) A tribunal shall meet so often as the chairman may determine and at such time and at such place as the chairman may consider expedient.

(2) Three members of a tribunal, including the chairman or acting chairman, shall constitute a quorum of the tribunal.

(3) A tribunal may act notwithstanding any vacancy in its membership.

(4) In all business before a tribunal the chairman or acting chairman has an original vote.

(5) All matters and questions before a tribunal may be decided by a majority of votes, but where the voting is equal, the chairman or acting chairman may cast a deciding vote.

Acting chairman.

14. In the absence or inability to act as the chairman of a tribunal, the Chief Justice at the request of the Minister may select another magistrate to act temporarily as chairman during the period of the absence or the duration of the inability of the chairman.

Disqualification of members.

15. A member of a tribunal is disqualified from sitting on the tribunal during the hearing and disposal of any matter in which he is personally interested or in the case of a company so interested if the member is directly or indirectly interested in the affairs of the company or is the servant or agent of a person or company directly or indirectly interested in the matter before the tribunal.

*See section 3 of Act No. 40 of 1970.

16. (1) For the purpose of securing the attendance of a witness before a tribunal, the chairman of the tribunal has the powers of a judge of a Petty Civil Court to compel the attendance and examination of witnesses and the production of documents.

Witnesses
before tribunals.

(2) A person is liable on summary conviction to a fine of three hundred dollars who without lawful excuse—

- (a) fails or refuses to attend a meeting of a tribunal in obedience to a summons therefor;
- (b) fails or refuses to answer any question material to the subject of an investigation by a tribunal and put to him by the tribunal or a member thereof;
- (c) fails or refuses to produce a document that he is required by a tribunal to produce; or
- (d) fails or refuses to supply any information required by a tribunal.

(3) A person is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for one year who wilfully gives a false answer to any question material to the subject of an investigation by a tribunal and put to him during the course of any proceedings before the tribunal.

17. (1) Subject to this Act and to the Regulations, a tribunal may regulate its own proceedings.

Regulation of
proceedings and
records.

(2) The chairman of a tribunal shall cause to be kept a record of each proceeding before the tribunal, of the evidence taken before it, the decision arrived at, and of the names of the members taking part in the proceedings.

18. With the approval of the Minister, a tribunal may appoint and employ, at such remuneration and on such terms and conditions as the Minister may determine either generally or particularly, a secretary and such other officers and employees as the tribunal may consider necessary for the proper carrying out of its functions under this Act.

Appointment of
staff of tribunal.

Expenses and allowances of members of tribunal.

19. (1) The members of the tribunal shall be paid such allowances and expenses as may be prescribed.

(2) Any payment authorised under this section shall be made in the manner prescribed and shall be a charge on the Consolidated Fund.

POWERS AND DUTIES OF TRIBUNAL

Functions of tribunal.

20. (1) In respect of its agricultural district a tribunal may, upon the application of a landlord or tenant of a small holding—

- (a) subject to subsection (3), assess, fix and certify the maximum rent to be paid in respect of the small holding;
- (b) determine the amount of compensation in relation to the small holding in any case where the tribunal has a power or duty under this Act to fix compensation;
- (c) grant leave to the landlord to relocate the small holding on other suitable land;
- (d) grant leave to the landlord to reduce the size of the small holding;
- (e) authorise and direct the recovery of the small holding;
- (f) authorise and direct the transfer of the tenancy of the small holding.

(2) In respect of its agricultural district a tribunal may exercise any power or duty conferred or imposed upon it under this or any other Act, and any power or duty that is incidental or necessary to a power or duty thereby conferred or imposed.

(3) In assessing and fixing a maximum rent for a small holding, a tribunal shall have regard to the market value of the small holding as agricultural land, exclusive of any improvements added thereto by the tenant or former tenant under a contract of tenancy of the small holding, and allow the landlord a net return of the prescribed percentage a year on the market value as agricultural land of the land under the small holding.

(4) The prescribed percentage shall be four per cent or such other percentage as may be fixed by Order of the President, approved by both Houses of Parliament.

21. (1) Where—

- (a) in respect of any contract of tenancy of a small holding of any land mentioned in section 3(1)(a) to (e) entered into after the commencement of this Act, a tenancy instrument has not been executed by the parties or the tenancy instrument does not contain the statutory conditions required by section 6 to be written therein; or
- (b) in respect of a contract of tenancy of a small holding of any land, mentioned in section 3(1)(a) to (e) and entered into before the commencement of this Act, the terms and conditions of the contract have not been reduced to writing and signed by the parties, or if reduced to writing do not include conditions similar in substance and not less favourable to the tenant than the statutory conditions required by section 6,

Provisions for
securing
tenancy
instrument.

the landlord or tenant, if he has first requested the other to have the contract evidenced by a tenancy instrument or to include the statutory conditions set out in section 6, or both, as the case may require, and no such tenancy instrument has been executed, may refer the matter to the tribunal of the agricultural district in which the small holding is situated.

(2) On a reference under this section the tribunal shall in its award—

- (a) specify the existing terms of the contract of tenancy between the landlord and tenant with any variations thereof agreed upon by the landlord and tenant; and

- (b) in so far as the existing terms as specified make no provision similar to section 6 or no less favourable to the tenant or contain provisions inconsistent with section 6, make provision for the inclusion, in the tenancy instrument to evidence the contract, of all the statutory conditions required by section 6 to be included in such instrument.

RENT ASSESSMENT HEARINGS

Application to fix maximum rent.

22. (1) A tenant or landlord of a small holding may make application to the tribunal of the agricultural district in which the small holding is situated to have the maximum rent of the small holding assessed, fixed and certified.

(2) The tribunal shall cause notice of the date, time and place fixed by the tribunal for investigating the application to be given to the tenant and landlord concerned in the application.

(3) Where an application is made by a tenant the tribunal may, if it thinks fit, direct that the notice to the landlord be given to the agent of the landlord instead of to the landlord.

Holding of investigation following notice.

23. (1) When, on the day and at the time fixed for the investigation, the tenant and the landlord, or the tenant and the agent of the landlord, as the case may be, appear, the tribunal shall proceed with the investigation; and for that purpose may direct such adjournments and postponements from time to time as it thinks proper.

(2) Where notice under section 22 has been received by the tenant and the landlord, or the tenant and the agent of the landlord, as the case may be, if the tenant or landlord or agent of the landlord, as the case may be, fails to appear on the date and at the time fixed for the investigation, the tribunal may proceed with the investigation or may postpone it to such date as it thinks fit.

(3) Where notice under section 22 has been received by the tenant, the tribunal may, notwithstanding that the landlord or the agent of the landlord has received no notice under section 22, proceed with the investigation—

- (a) if delivery of the notice was refused by the landlord or agent of the landlord, as the case may be;
- (b) if the address in Trinidad and Tobago of the landlord and the agent of the landlord, if any, are not known to the tenant and cannot be ascertained by the tribunal; or
- (c) if the landlord resides elsewhere than in Trinidad and Tobago.

24. (1) On an investigation by a tribunal, the landlord or his agent may give evidence, produce documents and call witnesses; and the tenant thereof may cross-examine the landlord or his agent and any witnesses called on behalf of the landlord.

Voluntary
evidence on
investigation.

(2) On an investigation by a tribunal, the tenant may give evidence, produce documents and call witnesses, and any other person may give evidence for the purpose of ascertaining all the relevant facts; and the landlord or his agent and the tenant may cross-examine any witness called on behalf of the tenant and the landlord or his agent and the tenant may cross-examine any other person giving evidence on the investigation.

25. A tribunal may require the landlord, or his agent, the tenant or any other person to give evidence for the purpose of ascertaining all the relevant facts; and the landlord or his agent and the tenant may cross-examine any such witness.

Compulsory
evidence on
investigation.

26. Subject to the Evidence Act, all oral evidence given before a tribunal on an investigation of an application under section 22 shall be given upon oath, and the chairman of the tribunal shall administer the oath.

Oral evidence to
be upon oath.
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Place and hearing of investigation.

27. The proceedings at every investigation by a tribunal of an application under section 22 shall be conducted at such place or places within its agricultural district as may, with the approval of the Chief Justice, be determined by the tribunal, and shall be open to the public.

Representation before tribunal.

28. (1) The landlord and the tenant and any other interested party may be represented before a tribunal by an Attorney-at-law of the Supreme Court.

(2) The landlord may be represented before a tribunal by his agent.

Relevant facts proved informally.

29. (1) Upon the investigation of an application under section 22, the tribunal may, subject to subsection (2), take into consideration any relevant facts that the tribunal finds to be proved by the investigation, notwithstanding the absence of formal proof of those facts.

(2) Before any facts referred to in subsection (1) are taken into consideration by the tribunal—

- (a) the party or parties present before the tribunal shall be informed of the substance of those facts;
- (b) the tribunal shall make or cause to be made a note of those facts; and
- (c) the party or parties present before the tribunal shall be given an opportunity, if he or they so desire, of adducing evidence in regard to those facts.

Inspection of small holding by tribunal.

30. (1) Where an application is made under section 22, the tribunal may, for the purpose of inspecting the small holding concerned in the application require the tenant to permit the tribunal to enter upon the small holding; and, where necessary, the tribunal may require the landlord to grant access to the small holding.

(2) Where an inspection is to be made without requiring the landlord to grant access to the small holding being inspected, the tribunal shall give reasonable notice to the landlord of its intention to inspect the small holding.

(3) Where a tribunal inspects a small holding under the authority of this section, the tribunal shall record or cause to be recorded the results of its inspection.

31. Without prejudice to the power of a tribunal to assess, fix and certify a maximum rent following an investigation, a tribunal may assess, fix and certify a maximum rent for a small holding in respect of which an application is made under section 22, where—

Assessment of maximum rent in absence of evidence of landlord.

- (a) the landlord or his agent fails without reasonable cause to attend before the tribunal on the date and at the time and place fixed in the notice given under section 22, or on any date on which the holding of the investigation was adjourned or postponed, if the notice was received by the landlord or his agent;
- (b) the landlord or his agent declines to give evidence, or declines to give evidence on any point that in the opinion of the tribunal is relevant to its investigation;
- (c) the landlord or his agent is for any reason unable to prove any fact required to be proved for the purpose of ascertaining or fixing the maximum rent; or
- (d) the investigation was held under section 23(3).

32. (1) The chairman of a tribunal investigating an application under section 22 may direct that out of pocket expenses of any witness shall be paid by such party as he thinks proper.

Witness expenses and costs.

(2) Notwithstanding subsection (1), no direction for the payment of out of pocket expenses of a witness called by the tenant shall be given against the landlord where the maximum rent fixed by the tribunal on the application of the tenant is the same as or greater than the rent actually paid by the tenant to the landlord before the application was made.

(3) Except as provided in subsection (1), no costs shall be awarded to any party and no fee shall be allowed to any witness upon the investigation of an application under section 22.

Maximum rent certificate.

33. Where a tribunal has ascertained, assessed and fixed the maximum rent for a small holding, the chairman shall—

- (a) cause to be recorded, filed and preserved the reasons for the tribunal's decision;
- (b) cause a certificate of the maximum rent to be completed in the form prescribed, and sign the same;
- (c) issue the certificate by causing a signed copy thereof to be sent by registered mail to the landlord and to each tenant who was a party to the application.

Evidential value of certificate.

34. A certificate of maximum rent issued pursuant to section 33 shall be admitted in evidence in all Courts of law and before any tribunal as conclusive proof—

- (a) as between the landlord and the tenant who were parties to the investigation by which the maximum rent was assessed; and
- (b) for and against the tenant who was a party to the investigation by which the maximum rent was assessed, notwithstanding any change of landlord,

that the maximum rent of the small holdings described in the certificate is as stated there, and in all other cases shall be admitted in evidence in all Courts of law and before any tribunal as *prima facie* proof thereof.

Payment of difference on appeal.

35. Payment of the maximum rent stated in a certificate of maximum rent issued pursuant to section 33 may be enforced notwithstanding any appeal under section 36, but where on any such appeal it is adjudged that the maximum rent stated in the certificate is more or less than the maximum rent that ought to have been so stated, the tenant or the landlord, as the case may be, shall pay the difference to the landlord or tenant, as the case may be, and the difference so required to be paid may be recovered by the party entitled thereto as a debt due to that party.

APPEALS

36. (1) Where a landlord or tenant is dissatisfied with a decision of a tribunal in respect of any matter referred to the tribunal for decision under this Act, the landlord or tenant may, except where the decision is in this Act stated to be final, appeal therefrom to the Court of Appeal in the manner and subject to the conditions provided in this section.

Appeal from
rent assessment.

(2) Within twenty-one days after the date upon which in the normal course of post he would have received the certificate of maximum rent issued by the tribunal, an appellant shall—

- (a) pay two dollars on the account of the Comptroller of Accounts, to the secretary of the tribunal;
- (b) lodge with the chairman of the tribunal whose decision is being appealed from written notice of the appeal with a receipt for the sum paid under paragraph (a); and
- (c) give a copy of the written notice of appeal to the opposite party.

(3) Where the appellant has complied with the requirements of subsection (2)(b) within the time limited in that subsection therefor, the chairman of the tribunal shall, within twenty-one days after the written notice of appeal was lodged with him, transmit to the Registrar of the Supreme Court—

- (a) one copy of the evidence recorded by the tribunal pursuant to this Act;
- (b) one copy of the reasons for decision;
- (c) two copies of the certificates issued by the chairman; and
- (d) the original notice of appeal together with the receipt for the sum paid under subsection (2)(a),

and the chairman shall authenticate the copies of the evidence, reasons and certificates by his signature thereon.

(4) An appeal under this section shall be heard by the Court of Appeal.

(5) On the appeal the Court of Appeal may order that evidence be adduced before it on a day to be fixed for that purpose and may—

- (a) refer the matter back to the tribunal to make a fresh investigation subject to such direction of law, if any, as the Court thinks fit to give; or
- (b) affirm, vary or reverse the order or decision of the tribunal, or where the order of the tribunal fixed a maximum rent, affirm, decrease or increase that maximum rent.

(6) Where upon an appeal to the Court of Appeal any maximum rent as certified by a tribunal is increased or decreased, the maximum rent as determined by the Court of Appeal becomes effective from the date on which the certificate of the tribunal respecting that maximum rent took effect.

(7) The decision of the Court of Appeal on an appeal under this Act is final.

(8) In the case of an appeal from the decision of a tribunal fixing a maximum rent, the decision of the Court of Appeal on the appeal shall be endorsed on the certificate of the tribunal certifying the maximum rent; and the date of the decision of the Court of Appeal shall be given in the endorsement and the endorsement shall be authenticated by the signature of the Registrar of the Supreme Court.

(9) After endorsing a certificate pursuant to subsection (8), the Registrar of the Supreme Court shall transmit to the chairman of the tribunal appealed from a copy of the certificate as endorsed and authenticated in accordance with subsection (8).

(10) It is not necessary that a formal order be drawn up or entered in respect of an appeal to the Court of Appeal from a tribunal.

(11) No fees shall be charged in respect of any appeal under this section, except as provided in subsection (2)(a).

(12) Upon an appeal under this section, the award of costs, if any, and the amount of any award of costs is in the discretion of the Court of Appeal.

RIGHTS OF LANDLORDS AND TENANTS

37. A tenant may terminate his contract of tenancy of a small holding by giving to the landlord not less than six months notice in writing. Termination by tenant.

38. (1) A landlord of a small holding may apply to the tribunal of the agricultural district in which the small holding is situated for the possession of the small holding, or for the ejection of the tenant from the small holding. Termination by landlord, application therefor.

(2) No order for the recovery of possession of a small holding, or for the ejection of a tenant therefrom shall, whether in respect of a notice given or proceedings begun before or after the commencement of this Act, be made or given unless—

- (a) the tenant fails to pay the rent due by him by the time and in the manner it becomes due;
- (b) the tenant has given notice to quit and in consequence of that notice, the landlord has contracted to sell or let the small holding or has taken any other steps as a result of which he would, in the opinion of the tribunal, be seriously prejudiced if he could not obtain possession;
- (c) the tenant without any reasonable excuse fails to use the small holding wholly or mainly for the purpose for which it was let to him;
- (d) the tenant is convicted of any offence involving fraud or dishonesty in respect of any agricultural produce or livestock, or if the tenant is convicted of having caused malicious damage to the property of the landlord, or of other tenants of small holdings of the landlord;
- (e) the small holding or any part thereof has been compulsorily acquired for a public purpose under any law in force in Trinidad and Tobago, or is required for a public purpose;
- (f) the tenant sublets or assigns the small holding without the consent of the landlord previously obtained in writing;

- (g) it is shown to the satisfaction of the tribunal that the tenant has substantially failed to use the land in accordance with the practice of good husbandry and the tribunal has granted leave to the landlord to terminate the tenancy;
- (h) the landlord in applying for leave to relocate the small holding satisfies the tribunal that having regard to the character and situation of the small holding and of the relevant circumstances it is in the interests of full and efficient production to relocate the small holding;
- (i) the landlord reasonably requires the small holding or any part thereof for use as such by—
 - (i) himself, or
 - (ii) any son or daughter of his over the age of eighteen years,and the tribunal is satisfied that having regard to all the circumstances of the case greater hardship would be caused by refusing to grant an order than by granting it;
- (j) the landlord reasonably requires the small holding or a part thereof for the purpose of adjusting boundaries between the agricultural units of his land or for drainage or irrigation, or for making access roads, or for developing other lands of the landlord,

and in any such case the tribunal considers it reasonable to make the order.

(3) An order made in pursuance of subsection (2)(e) or (j) may relate to the part only of the small holding, acquired or required, as the case may be, and in any such event—

- (a) the provisions of this Act respecting compensation shall apply as if the part to which the order relates were a separate holding; and

(b) the tenant shall be entitled to a reduction of rent proportionate to the part to which the order relates, and in respect of any depreciation of the market value of the residue of the holding caused by the severance or by the use to be made of the part severed, and the amount of that reduction shall be settled as in the case of compensation under this Act.

(4) An order by a tribunal for the recovery of possession of a small holding, or for the ejectment of a tenant therefrom, may be enforced as if it were an order for possession made by a Court under the Landlord and Tenant Ordinance.

Ch. 27, No. 16.
(1950 Ed.).

39. (1) Where an application is made under section 38 to a tribunal for the possession of a small holding, the tribunal may—

Stay,
postponement,
etc., of order on
conditions.

(a) adjourn the hearing of the application from time to time;

(b) stay or suspend execution of its order or postpone the date of possession for such period as it thinks fit, and from time to time grant further stays or suspensions of execution and further postponements of the date of possession.

(2) An adjournment, stay, suspension or postponement may be granted subject to such conditions, if any, as the tribunal thinks proper; and if the conditions are complied with and the order has been made the tribunal may discharge or rescind the order.

40. In making an order under section 38, the tribunal shall not require a tenant to quit a small holding until the crop then growing thereon has been reaped, or until after the date when the kind of crop growing thereon would normally be reaped in the agricultural district in which the small holding is situated.

Time granted to
take crops.

41. (1) Where an order for the possession of a small holding has been made on any of the grounds set out in section 38(2), the tribunal making the order may, subject to subsection (3) of this section, award the tenant and any subtenant such compensation as the tribunal considers just in the circumstances.

Compensation.
[16 of 1987].

(2) Where a contract of tenancy is terminated by reason of effluxion of time or by any other cause under the Act, the tenant or subtenant may, not later than forty-five days after the termination of the contract of tenancy, make an application to the tribunal for an award of compensation and subject to subsection (3), the tribunal may award such compensation as it considers just in the circumstances.

(3) In fixing compensation under this section, the tribunal may award compensation for—

- (a) the unexpired value of fertilizer placed in or on the land by the tenant;
- (b) the unexpired value of drainage and mechanical tillage done by the tenant;
- (c) the value of any buildings or other improvements constructed on the land by the tenant with the written permission of the landlord; and
- (d) the value of any growing crops on the land at the determination of the tenancy,

but in fixing compensation the tribunal shall set off against the compensation to the tenant the amount by which the capital value of the land may have depreciated as a result of the tenant having used the land in a manner contrary to the practice of good husbandry.

Compensation for loss of tenancy through misrepresentation.

42. Where it is made to appear to a tribunal that an order made by it for the possession of a small holding or for the ejection of a tenant therefrom was obtained by misrepresentation or by the concealment of material facts, the tribunal may order the landlord to pay to the person put out of possession such sum as appears to the tribunal sufficient compensation for the damage or loss sustained by that person as a result of the order.

Termination by agreement.

43. Nothing in this Act prevents or shall be deemed to prevent a landlord or a tenant of a small holding from terminating a contract of tenancy by agreement.

SUBLETTING AND ASSIGNMENTS

44. (1) A tenant may with the consent of the landlord sublet the entire small holding; and the consent of the landlord thereto shall not be unreasonably withheld. Subletting small holding.

(2) A tenant may sublet a part of the small holding with the consent of the landlord.

(3) A tenant who desires to sublet a small holding shall, if required by his landlord to do so—

- (a) disclose to the landlord the terms upon which the tenant proposes to sublet the small holding;
- (b) render it a term of the subtenancy of the small holding that the subtenant is to pay to the landlord the full amount of the rent payable by the tenant in respect of the small holding.

45. (1) Where a tenant claims that his landlord has unreasonably withheld consent to the subletting of the tenant's small holding, the tenant may apply in writing to the tribunal of the agricultural district in which the small holding is situated for an order consenting to the subletting. Consent given by order of tribunal.

(2) If the tribunal considers that the consent of the landlord to the subletting has been unreasonably withheld, the tribunal shall by order give its consent thereto; and the order of the tribunal has effect as if it were the consent of the landlord previously obtained in writing.

46. A tenant of a small holding may, with the consent of his landlord, assign his contract of tenancy of the small holding. Assignment of contract of tenancy.

47. (1) Where a tenant of a small holding desires to assign his contract of tenancy thereof in circumstances where the landlord is or appears to be unwilling to give consent thereto, the tenant shall give or send to the landlord a written notice of intention to assign the small holding and, at the same time, he shall give or send a copy of that notice to the tribunal of the agricultural district in which the small holding is situated. Assignment by consent order.

(2) At any time after the receipt of the copy of the notice mentioned in subsection (1) the tribunal may require the landlord or the tenant to furnish within a specified time answers to such particulars of information as the tribunal may reasonably require; and on receipt of the answers or after the expiration of the time within which the answers were required to be furnished, the tribunal shall inquire into the matter.

(3) If after the inquiry the tribunal is of the opinion that the landlord is unreasonably withholding consent to the assignment of the contract of tenancy of the small holding, the tribunal may by order declare that the tenant is entitled without the consent of the landlord to assign the contract of tenancy on a day specified.

(4) An order under subsection (3) operates in all respects as if it were the consent of the landlord to the assignment of the contract of tenancy mentioned in the order.

Effect of assignment.

48. On the assignment of a contract of tenancy pursuant to section 46 or 47, all the interest, rights, obligations and liabilities of the tenant vest in and are imposed upon the assignee absolutely, notwithstanding any law of Trinidad and Tobago to the contrary.

Service of notice to quit.

49. Service of a notice to quit under this Act by a landlord on any of his tenants of a small holding may, if the tenant's whereabouts are unknown to the landlord, be effected by serving the chairman of the tribunal of the agricultural district in which the small holding is situated with a copy of the notice and sending the notice by registered post to the tenant at his last known address; and the service of the copy of the notice on the chairman shall be deemed to be service on the tenant.

Service of notices generally.

50. (1) Subject to section 49, where a notice is required by this Act to be given and provision is not made by this Act for the mode of service, the notice shall be given by registered post and shall *prima facie* be deemed to have been received in the ordinary course of post or by personal delivery.

Ch. 4:20.

(2) The provisions of section 120 of the Summary Courts Act shall apply *mutatis mutandis* in respect of proof of service of notice under this Act before a tribunal or Court of Appeal.

51. Anything that, by or under this Act, is required or authorised to be done to, by or in respect of a landlord of a small holding may be done to, by or in respect of an agent of the landlord duly authorised in that behalf.

Agents of
landlords.

52. Without affecting in any way proceedings that may be taken under an Act imposing stamp duties on the execution of instruments, it is no objection to a contract of tenancy, subletting, assignment of a contract of tenancy or authorisation made pursuant to this Act in respect of a small holding that the contract, sublease, assignment or authorisation is not stamped or is insufficiently stamped or in the case of a contract, other than one requiring to be evidenced by a tenancy instrument, that the contract or some memorandum or note thereof is not in writing and signed by the party to be charged.

Validity of
agreements
under this Act.

53. Notwithstanding any provision in a contract of tenancy of a small holding making either the landlord or the tenant liable to pay any liquidated damages or any penalty in the event of any breach or non-fulfilment of any of the terms or conditions in the contract, neither party is entitled to recover any sum in consequence of any such breach or non-fulfilment in excess of the damage actually suffered by him in consequence of the breach or non-fulfilment of any of the terms or conditions in the contract.

Extent of
damages
recoverable.

54. (1) No person shall, as a condition of the grant, renewal or continuance of a tenancy of any small holding, require the payment of any fine, premium, or other like sum, or the giving of any consideration, in addition to the rent.

Restriction on
premiums.

(2) A person requiring any payment or the giving of any consideration in contravention of this section is liable on summary conviction to a fine of one thousand five hundred dollars and the Court by which he is convicted may order the amount paid or the value of the consideration to be repaid to the person by whom it was made or given.

MISCELLANEOUS

Recovery of compensation and damages.

55. (1) Any amount awarded or fixed by a tribunal to be paid as compensation or damages or costs pursuant to this Act may be recovered in any Court of competent jurisdiction as a debt due and payable.

(2) A certificate issued by a tribunal under the hand of the chairman thereof stating the amount of compensation or damages or costs awarded or fixed by the tribunal under this Act is admissible in evidence in any Court as conclusive proof of the amount of compensation or damages or costs so payable.

Offence arising out of order for possession.

56. Whenever a landlord has obtained an order for possession of a small holding pursuant to this Act and the order is executed or the tenant voluntarily gives up his tenancy in consequence of that order, the landlord—

- (a) if the order was made on the grounds set out in section 38(2)(h) or (i) or (j) and without first obtaining the permission of the tribunal of the agricultural district in which the small holding is situated, he at any time uses or permits to be used or lets the small holding for any other purpose;
- (b) if the landlord does not within a reasonable time after obtaining possession of the small holding use the small holding for the purpose for which he resumed possession; or
- (c) if having obtained the permission of the tribunal, the landlord fails to comply with any of the terms or conditions that the tribunal may have attached to that permission under paragraph (a),

is liable on summary conviction to a fine of seven hundred and fifty dollars.

Regulations.

57. The Minister may make Regulations—

- (a) prescribing the manner and the form in which applications may be made to a tribunal under this Act;

- (b) prescribing forms for the purposes of this Act;
- (c) prescribing anything required or authorised to be prescribed by this Act;
- (d) generally, for carrying out the provisions of this Act.

58. Except as in this Act expressly provided, nothing in this Act prejudicially affects any power, right or remedy of a landlord, or tenant, or other person, vested in or exercisable by him by virtue of any other Act or law, in respect of any contract of tenancy or other contract, or of any fixtures, tax, rate, rent or other thing.

General saving
of rights.

SUBSIDIARY LEGISLATION

**AGRICULTURAL SMALL HOLDINGS TENURE
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Form of tenancy agreement.
3. Form of receipt for payment by a tenant under a contract of tenancy.
4. Form of application to fix maximum rent.
5. Form of notice required by section 22(2) of Act.
6. Form of notice required by section 30(2) of Act.
7. Form of certificate of maximum rent.
8. Form of notice of appeal required by section 36(2)(b).
9. Form of application for possession or ejection.
10. Form of application for an order consenting to subletting.
11. Form of notice of intention to assign small holding.
12. Expenses and allowances of members of a tribunal.

SCHEDULE.

**AGRICULTURAL SMALL HOLDINGS TENURE
REGULATIONS**

35/1966.

made under section 57

- 1.** These Regulations may be cited as the Agricultural Small Holdings Tenure Regulations. Citation.
- 2.** A tenancy instrument required by section 5 of the Act shall be in the form set out as Form 1 in the Schedule. Form of tenancy agreement.
Form 1.
- 3.** A receipt issued under section 6(1) to a tenant by a landlord for the payment of rent by or on behalf of a tenant shall be in the form set out as Form 2 in the Schedule. Form of receipt for payment by a tenant under a contract of tenancy.
Form 2.
- 4.** An application made under section 22(1) of the Act by a tenant or landlord to a tribunal for the purpose of having the maximum rent of a small holding assessed, fixed and certified shall be in the form set out as Form 3 in the Schedule. Form of application to fix maximum rent.
Form 3.
- 5.** A notice given under section 22(2) of the Act to a tenant and landlord of the date, time and place fixed for investigating an application referred to in regulation 4 shall be in the form set out as Form 4 in the Schedule. Form of notice required by section 22(2) of Act.
Form 4.
- 6.** A notice given under section 30(2) of the Act of a tribunal's intention to inspect a small holding shall be in the form set out as Form 5 in the Schedule. Form of notice required by section 30(2) of Act.
Form 5.
- 7.** A certificate of maximum rent issued under section 33 of the Act by the chairman of a tribunal shall be in the form set out as Form 6 in the Schedule. Form of certificate of maximum rent.
Form 6.
- 8.** A written notice of appeal from the decision of a tribunal required by section 36(2)(b) of the Act shall be in the form set out as Form 7 in the Schedule. Form of notice of appeal required by section 36(2)(b).
Form 7.

L.R.O. 1/2006

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[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Form of application for possession or ejection.

Form 8.

9. An application made under section 38 of the Act by a landlord to a tribunal for the possession of a small holding or for the ejection of a tenant from a small holding shall be in the form set out as Form 8 in the Schedule.

Form of application for an order consenting to subletting.
Form 9.

10. (1) An application made under section 45(1) of the Act to a tribunal for an order consenting to the subletting of a tenant's small holding shall be in the form set out as Form 9 in the Schedule.

(2) The provisions of sections 22 to 32 of the Act apply *mutatis mutandis* to applications made under regulation 9 or under subregulation (1) of this regulation.

Form of notice of intention to assign small holding.

Form 10.

11. A written notice given under section 47(1) by a tenant of an intention to assign his contract of tenancy of a small holding, where the landlord is or appears to be unwilling to give consent to such assignment, shall be in the form set out as Form 10 in the Schedule.

Expenses and allowances of members of a tribunal.

Ch. 23:50.
Sub. Leg.

12. (1) The chairman of a tribunal shall be paid an allowance of \$30.00 for each day on which he attends a sitting of the tribunal.

(2) A member of a tribunal shall be paid an allowance of \$20.00 for each day on which he attends a sitting of the tribunal.

(3) Where the chairman or a member of the tribunal uses his own motor vehicle for the performance of his duties, he shall be paid a travelling allowance at the rates provided for civil servants by the Travelling Allowances Regulations for the time being in force.

(4) Where the chairman or a member of the tribunal uses public transport for the performance of his duties, he shall be reimbursed the actual amount spent in such transport.

SCHEDULE

Regulation 2.

FORM 1

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

**FORM OF TENANCY INSTRUMENT REQUIRED BY
SECTION 5(1) OF THE ACT**

REPUBLIC OF TRINIDAD AND TOBAGO

AN AGREEMENT made this day of in the year of our Lord Two Thousand and between of (hereinafter called “the Landlord”) of the one part and of (hereinafter called “the Tenant”) of the other part.

WHEREBY the Landlord agrees to let and the Tenant to take subject to the following terms and conditions ALL that parcel of land situated in the Ward of in Trinidad and Tobago, the particulars whereof are set out in the Schedule hereto (hereinafter called “the Holding”).

1. (a) The rent payable under this Agreement shall be the sum of \$.....
- (b) The said rent of \$ shall be paid by the Tenant at
- (c) The purpose of the tenancy created herein shall be to permit the Tenant to cultivate (or farm),
.....
.....
.....
- (d) The tenancy shall commence on the day of 20...., and shall be for a term of years, unless determined in the manner provided by sections 37, 38 and 43 of the Agricultural Small Holdings Tenure Act.

2. *Statutory Conditions:*

(1) The rental payable under this contract shall be paid annually by the Tenant not later than the 31st December in each year of the term of the contract.

(2) The Landlord undertakes and agrees to issue to the Tenant a receipt in writing for the payment of rent by or on behalf of the Tenant, and the receipt shall be in such form as may be prescribed under the Agricultural Small Holdings Tenure Act.

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(3) The Landlord undertakes and agrees not to evict or attempt to evict the Tenant or to give the Tenant notice to quit or otherwise to terminate or attempt to terminate the contract except as permitted and authorised by the Agricultural Small Holdings Tenure Act.

(4) The Tenant undertakes and agrees not to terminate or attempt to terminate the tenancy except as permitted and authorised by the Agricultural Small Holdings Tenure Act.

(5) Cane Land: (In the case of all other holdings delete)

The Landlord undertakes and agrees that the Tenant may not use more than one-fifth of the total area of the small holding for the purpose of growing food crops of the Tenant.

- 3. The Tenant agrees to observe the following stipulations: (a) The Tenant shall farm, manage, cultivate and maintain the holding in a good husbandlike manner and in accordance with the practice of good husbandry as contemplated by section 9 of the Agricultural Small Holdings Tenure Act. (b) The Tenant shall allow the Landlord or any person authorised by him at all reasonable times to enter the holding or any part of it for the purpose of making an inspection thereof that may reasonably be required for the purposes of the Agricultural Small Holdings Tenure Act. (c) The Tenant shall not assign, sublet, or part with possession of the holding or any part thereof without the consent of the Landlord previously obtained in writing. (d) The Tenant shall not convert the whole or any part of the holding to any use other than that set out in clause 1(c) herein without the consent of the Landlord first obtained in writing. (e) The Tenant shall not permit or suffer any waste or spoil of any part of the holding nor use the holding so as to cause nuisance or annoyance to neighbouring occupiers.

SCHEDULE

ALL that parcel of land comprising Acres, Roods, and Perches, situated in the Ward of and bounded on the N S E and W

IN WITNESS WHEREOF the parties hereto have hereunto subscribed their names the day and the year first hereinbefore written.

SIGNED by the within named and the within named in the presence of me, Justice of the Peace

REPUBLIC OF TRINIDAD AND TOBAGO.

Regulation 3.

FORM 2

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

**FORM OF RECEIPT FOR PAYMENT OF RENT
REQUIRED BY SECTION 6(1) OF THE ACT**

Received from/on behalf of*
(here insert name of tenant)

the sum of dollars in respect of payment of the annual

rent of a small holding situated at

.....
(here insert location of small holding)

in the agricultural district of
(here insert agricultural district)

Dated this day of 20.....

.....
Landlord

*Delete whichever is inapplicable.

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[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Regulation 4.

FORM 3

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

APPLICATION FOR FIXING MAXIMUM RENT OF SMALL HOLDING—SECTION 22(1) OF THE ACT

To the Secretary of the Agricultural Tribunal for the agricultural district of

.....
(here insert agricultural district)

I/We* of
(here insert name of applicant) (insert address of applicant)

landlord*/tenant* of a small holding situated at

.....
(here insert location of small holding)

in the agricultural district of
(here insert agricultural district)

hereby apply to the agricultural tribunal of the said agricultural district to have the maximum rent of the said small holding assessed, fixed and certified.

Dated this day of 20.....

.....

Signature of applicant

*Delete whichever is inapplicable

FORM 4

Regulation 5.

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)
NOTICE OF HEARING OF APPLICATION FOR FIXING
MAXIMUM RENT OF A SMALL HOLDING—
SECTION 22(2) OF THE ACT

To
(here insert name of tenant)

and
(here insert name of landlord)

TAKE NOTICE that the day of 20.....,
at the hour of in the noon has been fixed by
the Agricultural Tribunal of the agricultural district of
..... for the hearing of an application made by
(here insert agricultural district)
..... for the assessment, fixing and certification
(here insert name of applicant)
of the maximum rent of a small holding situated at
..... of which the said applicant is landlord*/tenant*.
(here insert location of small holding)

Dated this day of, 20.....

.....
Secretary,
Agricultural Tribunal for the
agricultural district of
.....
(here insert agricultural district)

*Delete whichever is inapplicable.

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[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Regulation 6.

FORM 5

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

NOTICE OF INTENTION TO INSPECT A SMALL HOLDING—SECTION 30(2) OF THE ACT

To (here insert name of landlord)

of (here insert address of landlord)

TAKE NOTICE that Agricultural Tribunal for the agricultural district of (here insert agricultural district)

intends to inspect on the day of at o'clock in the noon the small holding situated at (here insert location of small holding)

of which you are landlord and (here insert name of tenant) is the tenant.

Dated this day of 20.....

Secretary, Agricultural Tribunal for the agricultural district of

(here insert agricultural district)

FORM 6

Regulation 7.

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

CERTIFICATE OF MAXIMUM RENT OF A SMALL
HOLDING—SECTION 33 OF THE ACT

This is to certify that on the application of
and upon investigation of the said application, the Agricultural Tribunal for the
agricultural district of has ascertained,
(here insert agricultural district)

assessed and fixed the maximum rent of the small holding situated at
.....
(here insert location of small holding)

of which is the tenant and
..... is landlord at
..... per
(here insert rent) *(here insert period)*

This certificate is issued pursuant to section 33 of the Agricultural Small
Holdings Tenure Act.

.....
Chairman,
Agricultural Tribunal for the
agricultural district of
.....
(here insert agricultural district)

LAWS OF TRINIDAD AND TOBAGO

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Chap. 59:53 *Agricultural Small Holdings Tenure*

[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Regulation 8.

FORM 7

**THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)
NOTICE OF APPEAL—SECTION 36(2)(b) OF THE ACT**

To the Chairman:

Agricultural Tribunal for the agricultural district of
.....
(here insert agricultural district)

TAKE NOTICE that I,
(here insert name of appellant)
of
(here insert address)

being dissatisfied with the decision of the Agricultural Tribunal for the
agricultural district of
(here insert agricultural district)

in respect of the matter of
(here insert nature of matter)

do hereby appeal against such decision on the following grounds:

(here insert grounds of appeal)

Dated this day of 20.....

.....
Signature of Appellant

FORM 8

Regulation 9.

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

APPLICATION FOR POSSESSION OF A SMALL
HOLDING—SECTION 38 OF THE ACT

To the Agricultural Tribunal:

Agricultural District of
(here insert agricultural district)

I, of
(name of landlord) (address of landlord)

landlord of a small holding situated at
(here insert location of small holding)

in the above agricultural district of which
(here insert name of tenant)

of is the tenant, hereby apply to the
(here insert address of tenant)

Agricultural Tribunal for the said agricultural district for the possession of the
said small holding*/the ejection of the said tenant from the said small
holding* on the following ground*/grounds*:

(here insert grounds)

Dated this day of 20.....

.....
Signature of Landlord

.....
*Delete whichever is inapplicable.

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Chap. 59:53 Agricultural Small Holdings Tenure

[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Regulation 10.

FORM 9

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

APPLICATION FOR AN ORDER CONSENTING TO THE
SUBLETTING OF A SMALL HOLDING—
SECTION 45(1) OF THE ACT

I. of
(here insert name of tenant) (here insert address of tenant)

having claimed that
(here insert name of landlord)

of has unreasonably
(here insert address of landlord)

withheld consent to the subletting of a small holding situated at
.....
(here insert location of small holding)

in the agricultural district of
(here insert name of agricultural district)

of which I am the tenant, hereby apply to the Agricultural Tribunal of the
said agricultural district for an order consenting to the subletting of the said
small holding.

Dated this day of 20.....

.....
Signature of Applicant

FORM 10

Regulation 11.

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

NOTICE OF INTENTION TO ASSIGN A CONTRACT OF
TENANCY OF A SMALL HOLDING—
SECTION 47(1) OF THE ACT

To of
(here insert name of landlord) (here insert address of landlord)

landlord of the small holding situated at
(here insert location of small holding)

TAKE NOTICE that, whereas
(here insert name of landlord)

landlord of a small holding situated at
(here insert location of small holding)

is*/appears* to be unwilling to give consent to the assignment of the contract of
tenancy in respect of the said small holding, I
(here insert name of tenant)

intend to assign the contract of tenancy in respect of the said small holding to
.....
(here insert name of proposed assignee)

of
(here insert address of proposed assignee)

Dated this day of 20.....

.....
Signature of Tenant

.....
*Delete whichever is inapplicable.

cc. To the Secretary:

The Agricultural Tribunal of the agricultural district of
.....
(here insert agricultural district)

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Chap. 59:53 *Agricultural Small Holdings Tenure*

[Subsidiary]

25/1986.

AGRICULTURAL TRIBUNALS ORDER

made under section 12

Citation. **1.** This Order may be cited as the Agricultural Tribunals Order.

Establishment of tribunals. **2.** The undermentioned tribunals are hereby established and shall exercise their powers and duties within the boundaries defined in the Schedule—

Schedule.

- (a) Agricultural Tribunal—North;
- (b) Agricultural Tribunal—South;
- (c) Agricultural Tribunal—Tobago.

SCHEDULE

NORTH TRINIDAD— The Eastern Counties (St. David and St. Andrew), the County of St. George, the County of Caroni.

SOUTH TRINIDAD— The County of Victoria, the County of Nariva, the County of St. Patrick, the County of Mayaro.

TOBAGO— The Island of Tobago.
