

GOVERNMENT NOTICE No. 35

TRINIDAD AND TOBAGO

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961
(No. 32 OF 1961)

REGULATIONS

MADE BY THE GOVERNOR-GENERAL UNDER SECTION 57 OF THE AGRICULTURAL
SMALL HOLDINGS TENURE ORDINANCE, 1961THE AGRICULTURAL SMALL HOLDINGS TENURE REGULATIONS,
1966

1. These Regulations may be cited as the Agricultural Small Holdings Tenure Regulations, 1966. Citation
2. In these Regulations, "the Ordinance" means the Agricultural Small Holdings Tenure Ordinance, 1961. Definition,
Ord. No. 32
—1961
3. A tenancy instrument required by section 5 of the Ordinance shall be in the form set out as Form I in the Schedule. Form of
tenancy
agreement.
Form I.
4. A receipt issued under subsection (1) of section 6 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.
5. An application made under subsection (1) of section 22 of the Ordinance 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 appli-
cation to fix
maximum
rent.
Form 3.
6. A notice given under subsection (2) of section 22 of the Ordinance to a tenant and landlord of the date, time and place fixed for investigating an application referred to in regulation 5 shall be in the form set out as Form 4 in the Schedule. Form of notice
required by
subsection (2)
of section 22
of Ordinance.
Form 4.
7. A notice given under subsection (2) of section 30 of the Ordinance 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
subsection (2)
of section 30
of Ordinance,
Form 5.
8. A certificate of maximum rent issued under section 33 of the Ordinance by the chairman of a tribunal shall be in the form set out as Form 6 in the Schedule. Form of certi-
ficate of
maximum rent.
Form 6.
9. A written notice of appeal from the decision of a tribunal required by paragraph (b) of subsection (2) of section 36 of the Ordinance 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.

Form of application for possession or ejectment. Procedure at hearing of application. Form 8.

10. An application made under section 38 of the Ordinance by a landlord to a tribunal for the possession of a small holding or for the ejectment 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. Procedure at hearing of application. Form 9.

11. (1) An application made under subsection (1) of section 45 of the Ordinance 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 Ordinance apply *mutatis mutandis* to applications made under regulation 10, and paragraph (1) of this regulation.

Form of notice of intention to assign small holding. Form 10.

12. A written notice given under subsection (1) of section 47 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.

13. (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 3)

FORM I

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961
Form of tenancy instrument required by section 5 (1) of the Ordinance
TRINIDAD AND TOBAGO

AN AGREEMENT made this _____ day of _____ in the year of our Lord One thousand nine hundred and sixty _____ 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 situate 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).

.....
.....
.....

FORM I—CONTINUED

(d) The tenancy shall commence on the _____ day of _____, 19____, and shall be for a term of _____ years, unless determined in the manner provided by the Thirty-seventh, Thirty-eighth, and Forty-third Sections of the Agricultural Small Holdings Tenure Ordinance, 1961.

2. Statutory Conditions :

- (1) The rental payable under this contract shall be paid annually by the Tenant not later than the 31st day of 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 Ordinance, 1961.
- (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 Ordinance, 1961
- (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 Ordinance, 1961
- (5) *Cane Land*: (In the case of all other holdings delete)
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.

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 Ordinance, 1961.
- (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 Ordinance, 1961.
- (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, situate 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

TRINIDAD AND TOBAGO

FORM 2

(Regulation 4)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Form of receipt for payment of rent required by section 6(1) of the Ordinance

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 situate at..........
(here insert location of small holding)in the agricultural district of.....
(here insert agricultural district)

Dated this day of , 19

.....
Landlord

*Delete whichever is inapplicable.

FORM 3

(Regulation 5)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Application for fixing maximum rent of small holding—section 22(1) of the
Ordinance

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 situate 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 , 19

.....
Signature of applicant

*Delete whichever is inapplicable.

FORM 4

(Regulation 6)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Notice of hearing of application for fixing maximum rent of a small holding—
section 22(2) of the Ordinance

To
(here insert name of tenant)

and
(here insert name of landlord)

TAKE NOTICE that the day of , 19
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 situate at.....

.....of which the said applicant is landlord*/tenant*.
(here insert location of small holding)

Dated this day of , 19

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

*Delete whichever is inapplicable.

FORM 5

(Regulation 7)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Notice of intention to inspect a small holding—Section 30(2) of the Ordinance

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 situate at.....

.....of which you are landlord and
(here insert location of small holding)

.....is the tenant.
(here insert name of tenant)

Dated this day of , 19

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

FORM 6

(Regulation 8)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Certificate of maximum rent of a small holding

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 situate at.....
 of which
(here insert location of small holding)
is the tenant and
is landlord at.....
(here insert rent)
 per.....
(here insert period)

This certificate is issued pursuant to section 33 of the Agricultural Small Holdings
 Tenure Ordinance, 1961.

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

FORM 7

(Regulation 9)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Notice of Appeal—Section 36 (2) (b) of the Ordinance

To the Chairman:

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

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

of.....being dissatisfied with
(here insert address)

the decision of the Agricultural Tribunal for the agricultural district of.....

.....in respect of the matter of
(here insert agricultural district)

.....do hereby
(here insert nature of matter)

appeal against such decision on the following grounds:

(Here insert grounds of appeal)

Dated this.....day of....., 19.....

.....
Signature of Appellant

FORM 8

(Regulation 10)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Application for possession of a small holding—Section 38 of the Ordinance

To the Agricultural Tribunal:

Agricultural District of.....
(here insert agricultural district)

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

landlord of a small holding situate 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....., 19.....

.....
Signature of Landlord

*Delete whichever is inapplicable.

FORM 9

(Regulation 11)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Application for an order consenting to the subletting of a small holding—Section 45 (1) of the Ordinance

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

having claimed that.....
(here insert name of landlord)

.....has unreasonably withheld
(here insert address of landlord)

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

in the agricultural district of.....of which I am the
(here insert name of agricultural district)

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....., 19.....

.....
Signature of applicant

FORM 10

(Regulation 12)

THE AGRICULTURAL SMALL HOLDINGS TENURE ORDINANCE, 1961

Notice of intention to assign a contract of tenancy of a small holding—Section 47 (1) of the Ordinance

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

landlord of the small holding situate at.....
(here insert location of small holding)

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

landlord of a small holding situate 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....., 19.....

.....
Signature of tenant

*Delete whichever is inapplicable.

cc. To the Secretary:

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

Made by the Governor-General this.....day of....., 19.....

G. L. BOWEN
Secretary to the Cabinet