

## TRINIDAD AND TOBAGO.

No. 35—1928.

I ASSENT,

[L.S.]

H. A. BYATT,  
*Governor.*

18th December, 1928.

AN ORDINANCE to provide for the payment of compensation to outgoing tenants in respect of Sugar-cane planted by them.

[18th December, 1928.]

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

**Short title.** 1. This Ordinance may be cited as the Sugar-cane Small Holdings Ordinance, 1928.

**Interpretation.** 2. In this Ordinance

“ Holding ” means any parcel of land not exceeding fifty acres in extent which is wholly or partially cultivated in sugar-cane, and which is not occupied by a servant in virtue of his employment nor occupied by him as his employer's licensee ; provided that a parcel of land of less extent than one-half of an acre shall not be deemed to be a holding.

“Tenant” means the holder of a holding under a landlord for any term, and includes the legal personal representative of a deceased tenant.

“Landlord” means the person entitled to the immediate reversion of any holding.

“Contract of tenancy” means the letting of land for any term.

The designations of landlord and tenant shall for the purposes of this Ordinance continue to apply to the parties to a contract of tenancy until the conclusion of any proceedings taken under this Ordinance on the determination of a tenancy.

3. Upon the determination by a landlord of the tenancy <sup>Compensation.</sup> of a holding after the commencement of this Ordinance, the tenant shall be entitled, notwithstanding any agreement to the contrary, to receive from the landlord compensation in money for the following matters and things :—

(a) For sugar-cane growing upon the holding in the <sup>Crops.</sup> ordinary course of cultivation, and for subsequent crops of sugar-cane, provided that no compensation shall in any case be payable for any crops extending beyond second ratoons. Provided that no compensation shall be payable in respect of any sugar-cane planted after the date on which notice to quit has been given unless the landlord has in writing consented to the planting of such sugar-cane.

(b) For outbuildings, stables, cowsheds, pigsties, <sup>Buildings.</sup> fowl-houses or other structural improvements made by the tenant upon his holding with the written consent of his landlord.

4. In ascertaining the amount of compensation payable <sup>Deductions from compensation for rent or breach of contract.</sup> to a tenant under this Ordinance, any sum due to the landlord in respect of rent or of any breach of the contract of tenancy or of wilful or negligent damage committed or permitted by the tenant and any benefit which the landlord has given or allowed the tenant in consideration of the tenant's planting sugar-cane or executing improvements shall be taken into account in reduction of the amount of compensation.

Compensation  
to be settled  
by a  
Magistrate.

5. If the landlord and tenant are unable to agree upon the amount of compensation to be paid under this Ordinance, it shall be lawful for either of them to apply to the Magistrate of the district in which the holding is situated to determine the amount of such compensation.

Magistrate  
may appoint  
valuators.

6. It shall be lawful for a Magistrate upon receipt of such application to appoint one or more persons, being valuers appointed by the Governor, to value the sugar-cane and the improvements effected and to report in writing to the Magistrate thereon, and also to make such order as he may think fit in respect of the expenses and remuneration of such person or persons.

Report of  
valuators to  
be evidence.

7. Such report in writing purporting to be signed by the person or persons appointed by the Magistrate in that behalf shall be received in evidence in all Courts unless it be shown that such report was not so signed as aforesaid. Provided that a Magistrate may at the instance of either party require the attendance of any such person at the hearing of the application or any adjournment thereof to be examined as a witness.

Valuators may  
enter upon  
holding and  
inspect.

8. Any valuator so appointed as aforesaid may at all reasonable times enter upon the holding in respect of which compensation is claimed and inspect the same; and any person obstructing or causing to be obstructed any valuator in making such inspection, whether by force or by threats or in any other manner, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding fifty pounds.

Procedure.

9. Where any application is made under section 5 of this Ordinance the Magistrate may summon the parties to appear before him at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them upon proof of the due service of the summons, it shall be lawful for such Magistrate to hear and determine the question and amount of the compensation to be paid, and for that purpose to examine

such parties or any of them and their witnesses upon oath, and the costs of every such enquiry shall be at his discretion and he shall settle the amount thereof.

Any sum of money awarded by the Magistrate under this section as compensation or as costs shall be recoverable by execution, and the provisions of the Petty Civil Courts Ordinance shall apply to executions issued under this Ordinance in like manner as they apply to executions issued under that Ordinance. Cap. 64.

**10.** For the purpose of compelling the attendance of and the giving of evidence by any witness a Magistrate shall have all the powers conferred on him by the Summary Conviction Offences (Procedure) Ordinance. Witnesses. Cap. 24.

**11.** There shall be a right of appeal to the Full Court from any judgment or order on any application under this Ordinance where the sum adjudged to be paid by way of compensation is over £25, and the provisions of section 35 of the Petty Civil Courts Ordinance shall apply, *mutatis mutandis*, to appeals under this section. Appeal in cases over £25. Cap. 64.

**12.** Where there is no written agreement between the parties to a contract of tenancy of a holding, the following provisions shall take effect:— Length of notice to quit in certain cases

- (i) In the case of a yearly tenancy, or any term shorter than one year, a clear three months' notice shall be given.
- (ii) In the case of any person being lawfully let into possession of any holding by any other person without any period of tenancy, whether limited or continuing, being agreed upon either expressly or impliedly, a clear three months' notice shall be given

**13.** A notice to quit may be given at any time, but the contract of tenancy shall not determine by reason of such notice to quit until the thirtieth day of June next following the date on which the period of notice prescribed by the last preceding section shall expire. Provided that a Judge of the Supreme Court in Chambers, on being satisfied that a holding or any part thereof is required for important and Notice to quit may be given at any time. Judge may authorize landlord to re-enter.

urgent purposes, may authorize a landlord to re-enter upon the holding on such date as the Judge may appoint and on payment to the tenant of such compensation as may be specified in his order, and thereupon the contract of tenancy shall cease and determine.

Breach of  
agreement  
by tenant.

**14.**—(1) Where a tenant has entered into an express agreement, whether in writing or not, with his landlord to plant sugar-canes on any part of his holding, and such tenant does not plant canes or fails to cultivate his canes so planted in a proper and husbandlike manner or grows on any part of his holding any crop other than sugar-cane without the written consent of his landlord it shall be lawful for the landlord, notwithstanding anything in section 13 of this Ordinance to the contrary, to re-enter upon the holding three months after giving his tenant notice to quit.

Saving  
liabilities  
and rights.

(2) The determination of the contract of tenancy under this section shall not affect the liability of the landlord to pay compensation to the tenant in accordance with the provisions of this Ordinance nor the right of the tenant to enforce payment thereof.

Service of  
process.

**15.** Service of any notice to quit or any summons or other process may be effected either personally on the person affected by the same or by leaving the same with some adult person at his last or most usual place of abode, or if the person to be served cannot be found and the place of his abode either is not known or admission thereto cannot be obtained then by posting the same on some conspicuous place on the holding.

Passed in Council this seventh day of December, in the year of Our Lord one thousand nine hundred and twenty-eight.

E. F. AANENSEN,  
*Acting Clerk of the Council.*