

THE LAND ADJUDICATION ACT, 2000

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*Legal Supplement Part A to the "Trinidad and Tobago Gazette", Vol. 39,
No. 120, 20th June, 2000*

**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 14 of 2000

[L.S.]

AN ACT to provide for the adjudication of rights and interests in land and for purposes connected therewith or incidental thereto.

[Assented to 15th June, 2000]

ENACTED by the Parliament of Trinidad and Tobago as ^{Enactment} follows:—

PART I

PRELIMINARY AND APPLICATION

Short title and
commencement

1. This Act may be cited as the Land Adjudication Act, 2000 and shall come into operation on such day as may be fixed by the President by Proclamation.

Interpretation

2. In this Act—

“adjudication area” means an area declared by the Minister to be an adjudication area under section 3;

“Adjudication Officer” means an Adjudication Officer appointed under section 4;

“adjudication record” means the adjudication record prepared in accordance with section 18 in respect of an adjudication section;

“adjudication section” means an adjudication section declared under section 5;

“Court” means the High Court;

“Demarcation Officer” means a Demarcation Officer appointed under section 4;

“demarcation map” means a map or plan prepared on a prescribed scale as a result of the adjudication process showing the geographic boundaries of each adjudication section and every parcel therein;

“documentary title” means any document, registered or unregistered, which evidences the title of any person to land;

“guardian” means any person responsible for protecting the interests of another person who is under a disability, whether by reason of age, unsoundness of mind or any other cause;

“interest in land” includes any right or interest in or over land which is capable of being recorded under this Act;

“land” means land, messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, or any estate therein, together with all paths, passages, ways, watercourses, liberties, privileges, easements, plantations, gardens, mines, minerals and quarries and all trees and timber thereon or thereunder lying or being;

“Land Tribunal” means the Land Tribunal established by the Land Tribunal Act, 2000; Act No. 15 of 2000

“Minister” means the Minister to whom the responsibility for land adjudication is assigned;

“parcel” means a piece of land separately shown on the demarcation map and given a number;

“Recording Officer” means a Recording Officer appointed under section 4;

“Registrar” means the Registrar of Lands appointed under the Registration of Titles to Land Act, 2000; Act No. 16 of 2000

“Survey Officer” means a Survey Officer appointed under section 4.

3. (1) The Minister may by Order in such form as Minister to declare adjudication area may be prescribed, declare any area to be an adjudication area, from such date as may be specified in the Order.

(2) Subject to section 6(3), this Act shall not empower the Adjudication Officer to vary any interest in land registered under the Real Property Ordinance. Ch. 27/11 1950 Rev.

(3) Every Order made under this section shall be published in the *Gazette*.

PART II

OFFICERS

Appointment and
general powers of
certain officers

4. (1) There shall be an Adjudication Officer who shall be an attorney-at-law of at least ten years experience in conveyancing and who shall be appointed by the Judicial and Legal Service Commission.

Chap. 1:01

(2) The terms and conditions of service of the Adjudication Officer shall be prescribed in accordance with section 141 of the Constitution.

(3) The President shall appoint such Assistant Adjudication Officers, Demarcation Officers, Recording Officers and Survey Officers as may be necessary for the purposes of this Act.

(4) Subject to subsection (9) the terms and conditions of service as well as the qualifications for the appointment of the Assistant Adjudication Officers, Demarcation Officers, Recording Officers and Survey Officers shall be prescribed by the President.

(5) The Adjudication Officer shall be in charge of the adjudication process and may issue such general or special directions as he thinks necessary to the Assistant Adjudication Officers, Demarcation Officers, Recording Officers and Survey Officers.

(6) The Adjudication Officer shall be competent to administer oaths and take affidavits in any inquiry undertaken by him, and to issue notices or orders requiring the attendance of such persons or the production of such documents as he may consider necessary for carrying out the adjudication.

(7) A notice or order issued under subsection (6) shall have the same force and effect and be served in the same manner as a summons issued under the Summary Courts Act.

Chap. 4:20

(8) A Demarcation Officer or a Survey Officer may at any reasonable time enter upon any land within the adjudication area for the purpose of demarcating or surveying any parcel therein and may summon any person who can give information regarding the boundaries of any such parcel or to point out the boundaries.

(9) A Demarcation Officer and a Survey Officer shall be a Trinidad and Tobago Land Surveyor within the meaning assigned to it under the Land Surveyors Act.

Act No. 33 of 1996

PART III

CLAIMS AND DEMARCATION

5. The Adjudication Officer in consultation with the Director of Surveys shall divide the adjudication area into two or more adjudication sections or declare the whole adjudication area to be a single adjudication section and shall give each adjudication section a distinctive number.

Adjudication sections

6. (1) The Adjudication Officer shall prepare a separate notice in respect of each adjudication section, and in each such notice shall—

Notice by
Adjudication Officer

- (a) specify as nearly as possible the location and limits of the adjudication section;
- (b) declare that all interests in land in each adjudication section will be ascertained and recorded in accordance with the provisions of this Act;

- (c) require any person who claims any interest in land within the adjudication section to make a claim either in writing or in person or by his duly authorized agent within the period and at the place and in the manner specified in the notice; and
- (d) require all claimants to land within the adjudication section whether or not such land has been registered under the Real Property Ordinance to mark or indicate the boundaries of the land claimed and the property address within ninety days of the notice and in such manner and as shall be required by the Demarcation Officer.

(2) Any person whose name appears in a schedule prepared in accordance with subsection (3) and published under subsection (4), need not make a claim in respect of the parcel of land shown against his name.

(3) The Adjudication Officer shall examine the Registers kept under the Real Property Ordinance and any other law as he considers relevant to land in the adjudication section and shall prepare for publication with the notice under subsection (1), a schedule in the prescribed manner.

(4) The Adjudication Officer shall:

- (a) cause such notices and schedule, if any, to be published in a daily newspaper at least twice and at the office of the Registrar General and such other public institutions within Trinidad and Tobago as he thinks fit; and
- (b) cause the substance of such notices and schedule, if any, to be made known throughout the adjudication area and elsewhere in such manner as he considers

to be most effective for the purpose of bringing it to the attention of all persons affected thereby.

7. (1) Notwithstanding any other written law, no action claiming an interest in land or rights to land in an adjudication section, shall be entertained by any civil court unless notice of the action has been served upon the Adjudication Officer. Staying of land suits and dealings

(2) The Court may stay the hearing of such action referred to in subsection (1) upon the application of the Adjudication Officer.

(3) Notwithstanding anything in any other written law, no instrument in respect of any dealings in relation to any land within the adjudication area shall be registered under the Real Property Ordinance or under the Registration of Deeds Act unless such instrument is endorsed by the Adjudication Officer.

8. (1) Every person claiming any land or interest in land within an adjudication area shall make his claim in the manner and within the period specified by the notice given under section 6. Claims and attendances

(2) Every person whose presence is required by the Adjudication Officer, Demarcation Officer or Recording Officer, as the case may be, shall attend in person or by agent at the time and place specified by such officer in writing.

(3) If any such person fails to attend in person or by agent after written notice has been given, the demarcation, recording or other proceeding may continue in his absence.

9. (1) If the Adjudication Officer is satisfied that any person, who has not made a claim, has a claim to any interest in land within the adjudication section, the Adjudication Officer shall, after giving such further Safeguarding of rights of absent persons, minors or persons under a disability

notice as the circumstance require, proceed as if a claim had been made, and shall call upon the Registrar General to supply him with a certified copy of any document of title relevant thereto.

(2) If the Adjudication Officer has reason to believe that a minor or a person under disability has a claim to any interest in land and such minor or person of disability has no person to represent him, the Adjudication Officer shall appoint a fit and proper person to represent such minor or person under disability and shall proceed as if a claim had been made.

Notice of demarcation and recording

10. (1) Not less than seven clear days before the demarcation of land in an adjudication section is commenced, the Demarcation Officer shall give notice of the intended demarcation in that section, and of the time and place at which it will begin in a daily newspaper and in such manner as the Adjudication Officer shall deem to be most likely to bring the matter to the knowledge of the persons to be affected by that demarcation.

(2) Such notice shall require every claimant to indicate the boundaries of the land affected by his claim in the manner specified in the notice.

Indication of land claimed

11. Subject to any general or special directions issued by the Adjudication Officer, the Demarcation Officer shall within each adjudication section—

(a) ensure that the boundaries of each piece of land, which is the subject of a claim, are indicated or demarcated in accordance with the requirements of the notice given under section 10;

(b) indicate or cause to be indicated the boundaries of—

(i) public roads, public rights of way, other State land; and

(ii) waste land or unclaimed land.

12. (1) The Demarcation Officer shall—Special powers of
Demarcation Officer

- (a) divide the adjudication area into adjudication sections giving each section a reference number;
- (b) with the consent of the owners concerned, adjust the boundaries of any parcel of land in the adjudication section to ensure the more beneficial occupation thereof or to effect a more suitable subdivision thereof;
- (c) make any reservations he considers necessary for the purposes of defining existing roads and paths or for the better drainage of any land;
- (d) make a declaration of any existing rights of way over any land in the adjudication section and may direct the manner in which such rights of way are to be exercised and in every such case he shall direct that such rights of way be recorded in the adjudication record in respect of the dominant land and the servient land; and
- (e) award such compensation as may appear to him just to any person who has suffered loss of land as a result of any adjustment of boundaries or the partition or re-allotment of any land or the declaration of any rights of way and may make an order directing by whom such compensation shall be paid.

(2) Any person who is aggrieved by the amount of compensation given under this section may make an objection under section 20.

(3) Any order for the payment of compensation or expenses made against the owner of any land, shall create a debt and be a charge on such land.

Duties of the Survey
Officer

13. (1) Subject to any general or special directions which may be given by the Adjudication Officer, the duties of the Survey Officer shall be to carry out such survey work as may be required in the execution of the adjudication process, and prepare or cause to be prepared a section demarcation map and a parcel identification map on a scale to be prescribed.

(2) In performing the functions under subsection (1), the Survey Officer shall number the parcels in each section consecutively.

(3) The number of the adjudication section and that assigned to each parcel shall together be the parcel number and a sufficient description of the parcel, and shall be referred to as the Unique Parcel Reference Number.

Duties of the
Recording Officer

14. The Recording Officer shall consider all claims to any interests in land and after such investigation as he considers necessary shall prepare a record of the matters referred to in section 18(1) in respect of every parcel of land shown on the demarcation map and submit it to the Adjudication Officer.

Disputes

15. (1) In any case where—

(a) there is a dispute as to any boundary whether indicated to the Demarcation Officer or not, or as a result of a demarcation or re-adjustment made by him, which the Demarcation Officer is unable to resolve; or

(b) there are two or more claimants to any interest in land and the Recording Officer is unable to effect agreement between them,

the Demarcation Officer or the Recording Officer, as the case may be, shall refer the matter to the Adjudication Officer.

(2) The Adjudication Officer shall adjudicate upon and determine any dispute referred to him under subsection (1), having due regard to any law which may be applicable, and shall make and sign the record of the proceedings.

PART IV

PREPARATION OF ADJUDICATION RECORD AND PRINCIPLES OF ADJUDICATION

16. (1) In preparing the adjudication record, where Preparation of adjudication record the Adjudication Officer is satisfied that—

- (a) a person has a valid title to a parcel of land registered under the Real Property Ordinance he shall regard that person as the owner of the parcel and shall declare his title to be absolute and record it as such;
- (b) a person who without a documentary title is in open and peaceable possession of a parcel of land other than a parcel which is State land and has been in such possession whether by himself or through his duly authorised agent or his predecessors in title for a period of thirty years or more, he shall declare the title of such a person to be absolute and record it as such;
- (c) a person has a good documentary title to a parcel of land and that no other person has acquired or is in the process of acquiring a title thereto under any law relating to prescription or limitation, he shall declare that person as the owner of the parcel with an absolute title and record it as such;

- (d) a person is in possession of or has a right to a parcel of land but the Adjudication Officer is not satisfied that such person has been in possession for a period of thirty years or more, he may nevertheless record that person as the owner of the parcel and declare his title to be provisional and shall record—
- (i) the date on which the possession of that person shall be considered to have commenced;
 - (ii) the particulars of any deed, instrument or other document by virtue of which an estate, right or interest adverse to or in derogation of the title of that person might exist; and
 - (iii) any other reservation which may affect the title;
- (e) any land is entirely free from private rights, or the rights existing in or over it do not amount to full ownership and are not such as to enable him to proceed under paragraph (d) above, he shall record the land as State land;
- (f) any land is subject to any right which is registrable as a lease, charge, easement, profit or restrictive agreement under the Registration of Titles to Land Act, 2000, he shall record such particulars as shall enable such right and the name of the person entitled to the benefit thereof to be registered and if such right is registered under the Real Property Ordinance, he shall record such particulars as appear in that Register.

(2) Where the Adjudication Officer declares the title of any person as provisional under subsection (1) (d), the title shall become absolute after the lapse of three years from the date of such declaration unless within that period of three years the Court or Tribunal orders otherwise.

17. (1) All unclaimed land shall be deemed to be State land until the contrary is proved.

Principles to be followed in adjudication

(2) Possession or receipt of rents and profits by any person through whom a claimant derives his title shall be deemed to have been the possession or receipt of rents and profits of the claimant.

(3) Where from the relationship of the parties or from other special causes it appears that the person in possession of land is or was in possession on behalf of another, his possession shall be deemed to be or to have been the possession of that other.

(4) Where two or more persons have rights which will entitle them to be registered as joint proprietors or proprietors in common under the Registration of Title to Land Act, 2000, the Recording Officer shall record such persons as joint owners or owners in common, as the case may be, and if owners in common the share of each such owner.

(5) The Recording Officer shall endorse upon any document evidencing title or possession to any land a reference to the parcel number of the land referred to therein.

(6) the Recording Officer shall retain the document referred to in subsection (5) and deliver a duly authenticated copy thereof to the claimant.

Adjudication Record

18. (1) The adjudication record shall be in a prescribed form in respect of each parcel of land, showing—

- (a) the unique parcel and approximate area of the parcel as shown in the Demarcation Map including the property address;
- (b) either the name and description of the person entitled to be registered as the owner of the parcel with particulars of the manner in which that person acquired that parcel and of any restriction on his power of dealing with it, or the fact that the parcel is State land;
- (c) such particulars of any right registrable under the Registration of Titles to Land Act, 2000, as shall enable it to be registered as a lease, charge, easement, profit or restrictive agreement, as the case may be, affecting the parcel together with the name and description of the person entitled to the benefit thereof and particulars of any restriction on his power of dealing with it;
- (d) where any person shown in the adjudication record is under a disability, whether by reason of age, unsoundness of mind or otherwise, the name of that person's guardian;
- (e) a record of the documents, if any, produced to the Recording Officer and retained by him for the purpose of adjudication; and
- (f) the date on which the form is completed.

(2) The form referred to in subsection (1) when completed shall be signed by the Recording Officer and, in the case of privately owned land, shall, where

possible, include an acknowledgement signed by the person claiming the parcel and by any person recorded under the provisions of subsection (1)(c) as having an interest in such parcel and that such claimant and every such person accepts the record.

19. Where the adjudication record in respect of any adjudication section is completed by the Adjudication Officer, he shall sign and date the record and shall forthwith give notice in a daily newspaper of the completion thereof and of the place or places at which the same can be inspected together with the relevant map.

Notice of completion
of adjudication
record

PART V

OBJECTIONS AND FINALITY

20. (1) Any person affected by the adjudication record or relevant map who considers such record or map to be inaccurate or incomplete in any respect or who is aggrieved by any act or decision of the Demarcation Officer or Survey Officer or by any entry in or omission from the adjudication record by the Recording Officer may, within ninety days of the day upon which notice of completion of the adjudication record is published, notify the Adjudication Officer in the prescribed form and manner the grounds of his objection.

Objection against
adjudication record

(2) The Adjudication Officer shall within thirty days after the receipt of the grounds of objection give notice in writing to all persons affected by the objection after which he shall hear the objection and may allow or dismiss the objection or otherwise determine the matters as he thinks just.

21. (1) In hearing a dispute under section 15 or an objection under section 20, the Adjudication Officer shall, so far as may be practicable, follow the procedure

Procedure in hearing
objections, disputes
and transmission of
records

directed to be observed in the hearing of civil suits, save that in his absolute discretion he may admit evidence which would not be admissible in a court of law and may use evidence adduced in any other claim or contained in any official record and may call evidence on his own motion.

(2) Upon the completion of the hearing the Adjudication Officer shall within the prescribed time—

- (a) make or cause to be made a record of all proceedings together with his decision on the objection or dispute;
- (b) prepare a brief statement of the reasons for his decision; and
- (c) transmit the record including the statement of his reasons to the parties.

(3) Upon the expiry of the period for appeal—

- (a) in the event of an appeal to the Land Tribunal the Adjudication Officer shall transmit the record and the statement of the reasons to the Tribunal;
- (b) in the event of no appeal being lodged the Adjudication Officer shall transmit the record and the statement to the Registrar.

Correction of
adjudication record

22. (1) Any correction of the adjudication record required by a decision of the Adjudication Officer given under section 20, shall be made by the Recording Officer, and any alteration in the Demarcation Map required by such decision shall be made by the Survey Officer.

(2) At any time before the adjudication record becomes final, the Adjudication Officer—

- (a) may correct in the record any error or omission not materially affecting the interests of any persons; and

(b) after taking such steps as he thinks fit, to bring to the notice of every person whose interest is affected, his intention to make any material alteration in the record which he considers necessary, and after giving such person an opportunity to be heard, may make such alteration.

23. Except for those parcels in respect of which notification of objection have been given to the Adjudication Officer under section 20(1) and subject to section 24, the adjudication record shall become final after the expiration of ninety days from the notice of the completion of the adjudication, and the Adjudication Officer shall sign a certificate to that effect and deliver the adjudication record and the certification together with the Demarcation Map and all other document received by him relating to the adjudication to the Registrar.

24. (1) Any person, who has raised an objection in pursuance to section 20(1) and who is aggrieved by any act or decision of the Adjudication Officer, may within two months from the date of the certificate of the Adjudication Officer under section 23 or within such extended time as the Land Tribunal, in the interests of justice, may allow, appeal to the Land Tribunal in accordance with the Land Tribunal Act and the rules made thereunder.

(2) Any person appealing under subsection (1), shall give notice to the Registrar of his intention to appeal and the Registrar shall enter a restriction under the provisions of the Registration of Title to Land Act, 2000, in every folio affected by the appeal.

PART VI

MISCELLANEOUS

Offences

25. Any person who—

- (a) having been served with a summons issued under the provisions of this Act, wilfully neglects or refuses to attend in pursuance of such summons, or to produce any document which he is required to produce;
- (b) wilfully neglects or refuses to answer upon oath or otherwise any question which may lawfully be put to him by any officer; or
- (c) without reasonable cause, wilfully neglects or refuses to indicate his land or to assist in the demarcation of his land when required to do so by a Demarcation Officer,

is guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for three months.

Protection from
personal liability

26. No personal liability shall attach to the Adjudication Officer, Demarcation Officer, Recording Officer or Survey Officer for any act or omission done or omitted to be done in good faith in the course of discharging their duties under this Act.

Regulations

27. The Minister may make Regulations for the purpose of carrying into effect the provisions and purposes of this Act.

Act to apply to State

28. This Act shall bind the State.

Passed in the House of Representatives this 15th day of November, 1999.

J. SAMPSON-JACENT

Clerk of the House

Passed in the Senate this 4th day of April, 2000.

N. COX

Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 4th day of May, 2000.

J. SAMPSON-JACENT

Clerk of the House