

TRINIDAD AND TOBAGO.

No. 19—1928.

I ASSENT,

[L.S.]

H. A. BYATT,

Governor.

8th November, 1928.

AN ORDINANCE to amend the Leases and Sales of Settled Estates Ordinance.

[8th November, 1928.]

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

1. This Ordinance may be cited as the Leases and Sales of Settled Estates (Amendment) Ordinance, 1928, and shall be read as one with the Leases and Sales of Settled Estates Ordinance, hereinafter called the Principal Ordinance.

2. Section 17 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :—

17. Any person entitled to the possession or to the receipt of the rents and profits of any settled estates for a term of years determinable

Short title.
Construction.

Cap. 49.

Application by
petition to
exercise powers
conferred by
this Ordinance.

on his death, or for an estate for life or any greater estate, and also any person entitled to the possession or to the receipt of the rents and profits of any settled estates as the assignee of any person who but for such assignment would be entitled to such estates for a term of years determinable with any life, or for an estate for any life or any greater estate, may apply to the Court by petition in a summary way to exercise the powers conferred by this Ordinance.

Amendment
of s. 18 of
Cap. 49.

3. Section 18 of the Principal Ordinance is hereby amended by deleting the words "exception contained in the next succeeding section" and substituting therefor the words "exceptions hereinafter contained."

Amendment
of s. 19 of
Cap. 49.

4. Section 19 of the Principal Ordinance is hereby repealed and the following sections are substituted therefor :—

Court may
dispense with
certain
consents where
infant tenant
in tail.

19. Provided always, that where an infant is tenant in tail under the settlement, it shall be lawful for the Court, if it shall think fit, to dispense with the concurrence or consent of the person, if only one, or all or any of the persons, if more than one, entitled, whether beneficially or otherwise, to any estate or interest subsequent to the estate tail of such infant.

Notice to
persons not
consenting.

19A. Provided always, that where on an application under this Ordinance the concurrence or consent of any such person as aforesaid shall not have been obtained, notice shall be given to such person in such manner as the Court to which the application shall be made shall direct, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests so far as they may be affected by such application to be dealt with by the Court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case

no notification shall be delivered or left in accordance with the notice and within the time thereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the Court.

- 19B. Provided also, that where on an application under this Ordinance the concurrence or consent of any such person as aforesaid shall not have been obtained, and in case such person cannot be found, or in case it shall be uncertain whether he be living or dead, or in case it shall appear to the Court that such notice as aforesaid cannot be given to such person without expense disproportionate to the value of the subject-matter of the application, then and in any such case the Court, if it shall think fit, either on the ground of the rights or interests of such person being small or remote, or being similar to the rights or interests of any other person or persons, or on any other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the Court. Court may dispense with notice.
- 19c. An order may be made upon any application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the Court in considering the application shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom, or who submit or are to be deemed to submit their rights or interests to be dealt with by the Court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made; and every order of the Court made upon such application shall have the same effect as if all such persons had been consenting parties thereto. Court may dispense with consent.

Petition may
be granted,
without
consent.

19D. Provided nevertheless, that it shall be lawful for the Court, if it shall think fit, to give effect to any petition subject to and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted or is not deemed to have submitted his rights or interests to be dealt with by the Court, or whose rights, estate, or interest ought in the opinion of the Court to be excepted.

Amendment of
s. 21 of Cap. 49.

5. Section 21 of the Principal Ordinance is hereby amended by inserting the words "if the Court shall so direct but not otherwise" after the word "shall" where it occurs in the second line of the section.

Amendment of
s. 28 of Cap. 49.

6. Section 28 of the Principal Ordinance is hereby amended by deleting all the words after the word "same" where it occurs in the fifth line of the section.

Amendment of
s. 29 of Cap. 49.

7. Section 29 of the Principal Ordinance is hereby amended by substituting the word "of" for the word "or" after the word "expenses" in the second line.

Sales and
leases on
behalf of
infant owner.

8. Where a person in his own right seized of or entitled to land for an estate in fee simple, or for any leasehold interest at a rent, is an infant, the land shall be deemed to be a settled estate within the meaning of this Ordinance.

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

JOHN DE NOBRIGA,
Clerk of the Council.