



## TRINIDAD AND TOBAGO

## No. 39—1949.

[L.S.]

I ASSENT,

P. M. RENISON,  
*Acting Governor.*

31st December, 1949.

AN ORDINANCE to amend the Rents of Small Agricultural Holdings Ordinance, 1943, No. 14 of 1943.

[5th January, 1950.]

Commence-  
ment.

**E**NACTED by the Governor of Trinidad and Tobago with Enactment. the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Rents of Small Short title. Agricultural Holdings (Amendment) Ordinance, 1949, and shall be read as one with the Rents of Small Agricultural Holdings No. 14 of 1943. Ordinance, 1943, hereinafter referred to as the Principal Ordinance.

Section 6 of  
Principal  
Ordinance  
repealed and  
replaced.

2. Section 6 of the Principal Ordinance is hereby repealed and replaced by the following:—

“Determina-  
tion of  
standard  
rent by  
the Board.

6. (1) Where any premises are intended to be let as a small holding, it shall be lawful for any person proposing to let the same to apply to the Board to fix provisionally the rent which is to be the standard rent of the premises when they are so let and the Board may, after due enquiry, fix such provisional standard rent accordingly; and if the premises are later let substantially on such terms and conditions and in such circumstances affecting the rent as have been disclosed to the Board, such provisional standard rent so fixed by the Board shall be deemed to be the standard rent of the premises.

(2) The landlord or the tenant of any premises to which this Ordinance applies may at any time apply to the Board to determine the standard rent thereof: Provided that where the standard rent of the premises has already been determined by the Board, no further application under this subsection shall be entertained unless the Board is satisfied that, since the date of such previous determination, there has been a material change in either the nature or the terms and conditions of the tenancy or in the circumstances affecting the determination of the standard rent, and that no such change is due to the tenant's neglect or default.

(3) It shall be lawful for the Board at any time, by notice in writing served on the landlord, to require him to apply to the Board within a time to be specified in the notice for the determination of the standard rent of the small holding of which he is the landlord; and, if the landlord shall fail so to apply, he shall be guilty of an offence against this Ordinance; and the Board may determine such standard rent as though he had so applied.

(4) On the hearing of any application under this Ordinance (whether it be in relation to premises let or intended to be let or premises in respect of which the Board has required the landlord to apply for the determination of the standard rent thereof or otherwise) the Board shall try the whole matter

of the application and shall give judgment or make order thereon, and shall give any direction it may consider necessary to enable it to give a final judgment or to make an order, and may from time to time adjourn the hearing of the application.

(5) Without prejudice to the generality of the provisions of the preceding subsection, the Board shall have and shall be deemed always to have had jurisdiction to enquire into and, where necessary, to determine—

- (a) whether the relationship of landlord and tenant exists ;
- (b) the nature, terms and conditions of every tenancy or proposed tenancy (whether the contract of tenancy is wholly or partly under seal or wholly or partly in writing or wholly or partly verbal) and the category of letting or proposed letting ;
- (c) the extent of the premises let or intended to be let by the tenant ; and the facilities and amenities granted to or enjoyed by the tenant or intended to be granted to or enjoyed by the tenant.

(6) Every person examined by the Board shall make full disclosure to the Board of all matters relating to the terms and conditions of the letting or proposed letting, or affecting the relationship of landlord and tenant, where such relationship is in dispute, or the standard rent of the premises, in order to enable the Board to exercise its functions under this section.

(7) The standard rent of a small holding when determined by the Board shall be the rent which, in the opinion of the Board, might reasonably have been expected in respect of a similar letting of similar premises with the same amenities and facilities in the same locality on the 1st of January, 1942, if the rates and taxes payable in respect of the holding on that date had been the same as those which are payable at the time of the determination of the standard rent by the Board, with an addition,

in any case in which the annual value of the premises has increased by reason of improvements to the premises or their amenities or facilities (not being ordinary repairs or maintenance) effected by the landlord at his own expense since that date, of such amount as the Board may think just on account of any increase in the cost of effecting the like improvements between the 1st of January, 1942, and the date the improvements were effected.

(8) The Board may, in its discretion, whenever it shall seem convenient to the Board so to do—

- (a) entertain an application under this section relating to two or more small holdings ; or
- (b) require an application to be made under subsection (4) in respect of two or more small holdings."

Saving  
of judg-  
ments, &c.  
of Full Court.

3. Nothing contained in subsection (6) of section 6 of the Principal Ordinance shall be deemed to affect any determination, order or judgment of the Full Court made or given under the Principal Ordinance prior to the commencement of the Ordinance in the proceedings in any matter and grounded on the want of jurisdiction on the part of any Board to determine the existence or non-existence of the relationship of landlord and tenant.

Passed in Council this sixteenth day of December, in the year of Our Lord one thousand nine hundred and forty-nine.

W. FUNG,  
*Clerk of the Council*