

STATE SUITS LIMITATION ACT

ACT NO. 8 OF 2018

Act
8 of 2018

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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ACT NO. 8 OF 2018

STATE SUITS LIMITATION ACT

ARRANGEMENT OF SECTIONS

SECTION

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UNOFFICIAL

ACT NO. 8 OF 2018

STATE SUITS LIMITATION ACT

An Act to repeal and replace the Crown Suits Limitation Ordinance.

[ASSENTED TO 22TH JUNE 2018]

Enactment. ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title. **1.** This Act may be cited as the State Suits Limitation Act, 2018.

Limitation of the State's right of action. **2.** (1) Subject to section 3, the State shall not at any time sue, impeach, question or implead any person for, or in relation to, any—

- (a) lands;
- (b) tenements;
- (c) rents; or
- (d) hereditaments,

whatsoever, which the person has held or enjoyed or taken rents, revenues, issues or profits thereof for a period of thirty years next before the filing, issuing or commencing of every such action, bill, plicant, information, or other suit or proceedings as shall at any time be filed, issued or commenced for recovering the same or in respect thereof.

(2) Notwithstanding subsection (1), the State or any person claiming by subsequent grant through the State, may within sixteen years after the cessation or expiration of the determination of the grant, file an information or commence an action to show title in the state or in the grantee under the grant be reason of the—

- (a) cessation;
- (b) expiration; or
- (c) determination,

of the interest of any grantee who was in possession for thirty years or more under a previous grant.

(3) For the purposes of subsection (2), the State or a person claiming by subsequent grant through the State may show title through any information of intrusion, or action for possession or to establish title.

3. This Act shall not apply to land—

- (a) declared to be a protected area or forest reserve under the Forests Act;
- (b) declared to be environmentally sensitive under the Environmental Management Act; and
- (c) identified by the State for a public purpose.

State lands not subject to bar on right of action.
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Ch. 35:05.

4. (1) In any—

- (a) information of intrusion on behalf of the State, or other proceeding by, or on behalf of the Attorney General or other public officer, to recover possession of, or establish title to lands on behalf of the State; and
- (b) action of ejectment, or to establish title, or for damages for, or an injunction to restrain trespass to realty, in which the plaintiff claims under a grant from the State within sixteen years before action,

Onus of proof on State after sixteen years possession by defendant.

the defendant, upon serving notice of a defence, may give in evidence, proof of exclusive possession by him and his predecessors in the title for sixteen years immediately before the commencement of such action.

(2) Where possession under subsection (1) is proved in fact, the State or the person claiming through or under the State, shall not be entitled to judgment except on proof of title within and subject to the limitation referred to in section 2.

(3) Service of a notice under subsection (1) shall be made on the opposite party seven clear days before trial.

(4) Nothing in this section shall be construed to prevent the granting of an interim injunction in any case in which the same might have been granted if this Act had not been passed.

Savings.

5. Nothing in this Act shall be construed as extinguishing any rights accrued or any proceedings commenced under the Crown Suits Limitation Ordinance prior to the coming into force of this Act.

Cap. 5 No.2.

Repeal of
Cap. 5. No. 2.

6. The Crown Suits Limitation Ordinance is repealed.
